

Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

Kansas Inc.

Notice of Meeting

The Kansas Inc. Board of Directors will meet at 10 a.m. Friday, December 29, at Kansas Inc., 632 S.W. Van Buren, Suite 100, Topeka. The meeting is open to the public.

Charles R. Warren
President

Doc. No. 017110

State of Kansas

Office of the State Treasurer

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 1994 Supp. 75-4210, as amended. These rates and their uses are defined in K.S.A. 75-4201(l), 12-1675(b)(c)(d) and 75-4209(a)(1)(B), as amended.

Effective 12-25-95 through 12-31-95

Term	Rate
0-90 days	5.75%
3 months	5.33%
6 months	5.34%
9 months	5.35%
12 months	5.30%
18 months	5.32%
24 months	5.31%
36 months	5.41%
48 months	5.50%

Sally Thompson
State Treasurer

Doc. No. 017111

State of Kansas

Kansas State University

Notice to Bidders

Sealed bids for the item listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (913) 532-6214 or fax (913) 532-5632 for additional information.

Wednesday, January 3, 1996

#60068

High pressure liquid chromatography system

William H. Sesler
Director of Purchasing

Doc. No. 017102

State of Kansas

University of Kansas Medical Center

Notice to Bidders

Sealed bids for the items listed below will be received by the University of Kansas Medical Center, Purchasing Department, 3901 Rainbow Blvd., Kansas City, KS 66160-7162, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call Peggy Davis at (913) 588-1115 for additional information.

Wednesday, January 3, 1996

726196

Lock supplies

Barbara Lockhart
Purchasing Director

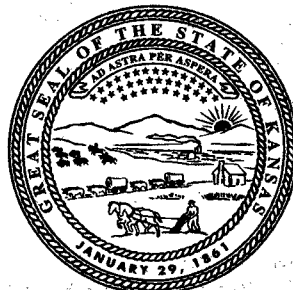
Doc. No. 017108

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State of Kansas

**Department of Health
and Environment****Request for Comments**

The AIDS Program of the Kansas Department of Health and Environment is preparing to develop its 1996 plan to use federal funds provided to states under Title II of the Ryan White CARE Act. These funds support care services for persons in Kansas living with HIV infection and AIDS. Anyone interested in offering ideas is invited to attend a meeting of the statewide Title II consortium from 10 a.m. to noon Wednesday, January 17, at the Wichita-Sedgwick County Health Department, 1900 E. 9th, Wichita. Written comments may be submitted by January 17 to Sally Finney Brazier, AIDS Director, 109 S.W. 9th, Suite 605, Topeka, 66612-1271.

James J. O'Connell
Secretary of Health
and Environment

Doc. No. 017106

State of Kansas

**Department of Health
and Environment****Notice of Hearing on Proposed
Administrative Regulations**

The Kansas Department of Health and Environment, Division of Environment, Bureau of Air and Radiation, will conduct a public hearing at 10 a.m. Tuesday, February 20, in the main conference room, Building 283, Forbes Field, Topeka, to consider the adoption of amendments to permanent air quality regulation K.A.R. 28-19-202, relating to the payment of air emission fees.

Amendments to K.A.R. 28-19-202(c) reduce the annual air emissions fee from \$20 per ton of emissions to \$15 per ton of emissions that occur during 1995 and 1996 and \$18 per ton of emissions thereafter. The reduction in emission fees from the current \$20/ton of emissions to \$15/ton of emissions will result in a fee reduction of approximately \$1,075,000 to the 230 air emission sources statewide subject to this regulation. Amendments to this section of the regulation also exempt electrical generating units designated under section 404 of the 1990 amendments to the federal Clean Air Act as affected units from fee liabilities for emissions occurring during the years 1995 through 1999 in order to be consistent with section 408 of the federal act. In Kansas, one unit in Wyandotte County and two units in Miami County will be affected by this provision. A total annual fee reduction of approximately \$150,000 will be realized by these units for the years 1995 through 1999.

Amendments to K.A.R. 28-19-202(d) will change the date of submission for annual emission fee payments from April 1 to June 1. This change will provide additional time for affected air sources to complete the required emission calculations. There will be no significant

economic impact from the proposed amendments to K.A.R. 28-19-202(d).

The proposed amendments eliminate the provisions of K.A.R. 28-19-202(e) in its entirety. This section of the regulation provides for an exemption from air emission fees for air sources subject to payment of fees for air emissions regulated under both the Kansas Air Quality Act and the Kansas Emergency Planning and Community Right-to-Know Act (EPCRA). The implementation of these provisions has proven to be confusing and difficult for both the implementing agency and the regulated community. The elimination of this procedure should result in a less burdensome and less costly emission reporting process overall. Of the 230 total air emission sources subject to this regulation, approximately 35 have applied for the exemption provisions of K.A.R. 28-19-202(e) in previous years. All but 14 of these sources will experience fee reductions overall as a result of these amendments. Those 14 sources that have paid no air emission fee in the past as a result of the EPCRA credits may now experience an increase in air emission fees totaling approximately \$9,200. The cost savings expected from simplifying the calculation procedures in combination with the larger savings from the general fee reduction are expected to effectively offset any comparatively minor fee increase that may be experienced by this small group of air emission sources. The previous provisions in K.A.R. 28-19-202(e) that fugitive emissions of hazardous air pollutants be included in calculations is retained in K.A.R. 28-19-202(b) in order to assure consistency with the federal requirements.

The time period between the publication of this notice and the scheduled hearing constitutes a public comment period for the purpose of receiving written comments on the proposed regulation. All interested parties may submit written comments to Gary Miller, Bureau of Air and Radiation, Kansas Department of Health and Environment, Forbes Field, Building 283, Topeka, 66620. All interested parties will be given a reasonable opportunity to present their views orally during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to require each participant to limit any oral presentation to five minutes.

Copies of the proposed permanent regulation and the economic impact and environmental benefit statements may be obtained by contacting Wendy Willoughby, Bureau of Air and Radiation, (913) 296-1550. Questions pertaining to the proposed regulation should be directed to Gary Miller, (913) 296-1547, or John Irwin, (913) 296-1542.

Any individual with a disability may request accommodations in order to participate in the public hearing and may request the proposed regulation and the economic impact and environmental benefit statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Rob Bradford, (913) 296-1587.

James J. O'Connell
Secretary of Health
and Environment

Doc. No. 017116

State of Kansas

Attorney General

Notice of Taking Guidelines

Pursuant to L. 1995, ch. 170, § 4 of the Private Property Protection Act, the Attorney General is required to establish and update annually guidelines "to assist state agencies in evaluating proposed governmental actions and in determining whether such actions may constitute a taking." These guidelines are intended solely as an internal aid to state agencies in their performance of governmental functions and should not be construed as an opinion of the Attorney General on whether a specific action constitutes a taking. Each action must be reviewed by the appropriate agency and its legal counsel using these guidelines as a basis for review. Neither these guidelines nor the Private Property Protection Act establish or create a new private cause of action or limit any right of action pursuant to other statutes or common law.

Private Property Protection Act

The policy underlying the Private Property Protection Act is to require state agencies to identify and account for the obligations imposed by the fifth and fourteenth amendments of the constitution of the United States, and section 18 of the bill of rights of the constitution of the state of Kansas, in an effort to reduce the risk of undue or inadvertent burdens on private property rights resulting from certain governmental actions. L. 1995, ch. 170, § 2. For purposes of the act, taking is defined as any governmental action affecting private property such that compensation to the owner of the property is required under the cited constitutional provisions. L. 1995, ch. 170, § 3(a). Private property is defined in the act as any real property or interest in real property that is protected by these constitutional provisions. L. 1995, ch. 170, § 3(c). State agency is defined to include any officer, department, division or unit of the executive branch of the state that is authorized to propose, adopt or enforce rules and regulations, but specifically excludes the legislative and judicial branches of the state and all political or taxing subdivisions of the state. L. 1995, ch. 170, § 3(d). Finally, affected governmental actions include proposing legislation, proposing regulations or directives and proposing agency guidelines and procedures concerning the process of issuing licenses or permits if such action may constitute a taking of private real property. L. 1995, ch. 170, § 3(b). Specifically excluded from the definition of governmental action are the formal exercise of eminent domain powers; the repeal or amendment of regulations or elimination of government programs if limitations on use of private real property are reduced or removed; the forfeiture or seizure of private property by law enforcement agencies for violations of law or as evidence of a crime; and agency action, authorized by statute or court order, in response to a violation of state law.

Persons and entities falling within the definition of a state agency are required to utilize these guidelines when performing one of the listed governmental actions, L. 1995, ch. 170, §§ 4, 5, 6, and when reviewing existing rules and regulations pursuant to L. 1995, ch. 170, § 7, to evaluate such actions for their takings implications on private

real property. If, based on these guidelines, the proposed action may constitute a taking, the state agency is to prepare a written report in conformance with section 6 of the Private Property Protection Act. L. 1995, ch. 170, § 6.

General Takings Clause and Due Process Principles

The fifth amendment to the United States Constitution provides that private property shall not be taken for public use without just compensation. This restriction applies to the states through the fourteenth amendment. *Chicago B. & Q.R. Co. v. Chicago*, 166 U.S. 226, 241, 41 L.Ed. 979, 986, S.Ct. (1897). The fourteenth amendment to the United States constitution and section 18 of the bill of rights of the Kansas constitution provide due process rights protecting individuals' property from arbitrary regulation. *State ex rel. Stephan v. Smith*, 242 Kan. 336, syl. ¶ 9, 747 P.2d 816 (1987). Accordingly, the government may not "take" private property for public purposes without payment of just compensation, and may not impose arbitrary or oppressive regulations on private property. See *Smith, id.* at 362 (if a protected property interest is taken, the test for determining whether due process has been afforded is whether the regulation has a real and substantial relation to the objective sought, whether it is reasonable in relation to the subject, and whether it was adopted in the interest of the community); *Joe Self Chevrolet, Inc. v. Board of Sedgwick County Comm'rs*, 247 Kan. 625, 630, 802 P.2d 1231 (1990) (the basic elements of procedural due process are notice and a meaningful opportunity to be heard); *Noel v. Menninger Foundation*, 175 Kan. 751, 763, 267 P.2d 934 (1954) (section 18 means that for wrongs recognized by law, the court shall be open and afford a remedy).

Clearly, the takings clause applies to direct physical appropriations of property. *Legal Tender Cases*, 79 U.S. (12 Wall) 457, 551, 20 L.Ed. 287 (1871). Additionally, while the state has the right to regulate or limit the use of property under its police power to protect the public health, safety and welfare, "if regulation goes too far it will be recognized as a taking." *Pennsylvania Coal Co. v. Mahon*, 260 U.S. 393, 415, 67 L.Ed.2d 322, 326, 43 S.Ct. 158, 28 A.L.R. 1321 (1922). The United States Supreme Court has generally avoided establishing a set formula for determining how far is too far, choosing instead to balance the asserted public interest against the diminution in value. *Agins v. Tiburon*, 447 U.S. 255, 260, 65 L.Ed.2d 106, 112, 100 S.Ct. 2138 (1980). The court has, however, identified two categories of regulatory action requiring just compensation regardless of the importance of the public interest advanced: regulations resulting in the permanent physical occupancy or permanent physical invasion of property, *Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419, 434-435, 73 L.Ed.2d 868, 882, 102 S.Ct. 3164 (1982); and regulations that effectively eliminate all economically productive or beneficial use of the property. See *Agins, supra*, *Keystone Bituminous Coal Assn. v. DeBenedictis*, 480 U.S. 470, 495, 94 L.Ed.2d 472, 495, 107 S.Ct. 1232 (1987); *Clajon Production Corp. v. National Wildlife Federation*, ___ F.3d ___, No. 94-8071, WL 686509 (10th Cir. Nov. 20, 1995).

The government may by regulation abate public nuisances, prohibit illegal activity, assert a public easement,

regulate roadways, establish building codes, safety standards and sanitary requirements, limit use of property through land use planning, zoning ordinances, setback requirements and environmental regulations, etc., either directly or as a condition for a permit, generally without creating a compensable taking. However, if any one of these regulations "goes too far," compensation may be required unless the government can demonstrate that the common law doctrine of nuisance or other limitations on the use of the property preexisted the owner's interest in the property. *Lucas, supra* at 821. In general, a permanent physical occupancy or invasion requires compensation no matter how minute the intrusion, and no matter how weighty the public purpose behind it. Requiring the outright uncompensated conveyance of a permanent easement is an example of a permanent physical occupation that would violate the fourteenth amendment. *Lucas v. South Carolina Coastal Council*, 505 U.S. ___, 120 L.Ed.2d 798, 812, 112 S.Ct. 2886 (1992), citing *Loretto, supra*. Temporary physical invasions of property may also give rise to a compensable taking if the invasions are of a recurring or substantial nature. *United States v. Causby*, 328 U.S. 256, 265, 90 L.Ed. 1206, 1212, 66 S.Ct. 1062 (1946). Whether a particular temporary physical invasion requires compensation must be determined on a case-by-case basis, balancing the nature of the government action against the economic impact on the landowner and determining whether less intrusive means of accomplishing the government's interest may be available. Further, compensation may be required in situations where a regulation "does not substantially advance legitimate state interests or denies an owner economically viable use of his or her land," *Agins, supra*.

Nuisance Law

As mentioned previously, the state's common law doctrine of nuisance may serve as a defense against a takings challenge. In Kansas, "any use of property by its owner which gives offense to or endangers life or health, violates the laws of decency, or obstructs the reasonable and comfortable use of property of another, may be said to be a nuisance." *Baldwin v. City of Overland Park*, 205 Kan. 1, 4, 468 P.2d 168 (1970), quoting *Jeakins v. City of El Dorado*, 143 Kan. 206, syl. ¶ 2, 53 P.2d 798 (1936). A public nuisance is one that affects an interest common to the general public, one which annoys a substantial portion of the community. *Culwell v. Abbott Construction Co.*, 211 Kan. 339, 363, 506 P.2d 1191 (1973).

At common law a public nuisance was always a crime and punishable as such. Down through the years, the concept of public nuisance has been broadly expanded to include a multitude of acts deemed inimical to public health, safety, comfort, peace, convenience or morals. Some examples of public nuisances are houses of prostitution, gambling dens, hog pens, illegal liquor establishments, indecent exhibitions, bullfights, unauthorized prize fights and the illegal practice of law and medicine. *Id.*

See also *Lucas*, 120 L.Ed.2d at 822. Whether a nuisance has been created depends on many factors, such as the type of neighborhood, the nature of the thing or wrong complained of, its proximity to those alleging injury or damage, its frequency, continuity or duration, and the damage or annoyance resulting and each case must

necessarily depend on its particular facts and circumstances. *Culwell*, 211 Kan. at 365.

Takings Checklist

State agencies should follow this checklist in reviewing any governmental action for purposes of determining its potential takings implications. If the action in question appears to meet one of the checklist criteria, agency staff should carefully review the proposed action with legal counsel to determine whether, in that particular instance, compensation is required. Meeting one or more criteria does not per se constitute a taking.

1. Does the government action result in a permanent or temporary physical occupation or invasion of private property?

Examples of permanent or temporary physical occupancy situations may include flooding and other water related intrusions, utility easements, access easements and aviation/overflight easements. If government regulation results in a permanent physical occupation or invasion, compensation is required unless the government's right to the intrusion preexisted the owner's interest in the property. [Conversely, a private property owner may be entitled to compensation only if the ownership interest existed at the time of the taking. *Riddle v. State Highway Commission*, 184 Kan. 603, 610-611 (1959).] If government regulation results in a temporary physical occupation or invasion, compensation may be required depending upon the extent of the intrusion and the purpose for it.

2. Does the governmental action deny or abrogate a fundamental property right?

If a governmental action destroys a fundamental property right, such as the right to possess, excludes others from or dispose of property, compensation may be required. However, compensation would not be required if the limitation preexisted the owner's property interest.

3. Does the governmental action deprive the owner of all economically viable uses of the property?

If the regulation categorically prohibits all economically beneficial use of land, destroying its economic value for private ownership, and the use prohibited is not a common law nuisance or preexisting limitation, the regulation is effectively equivalent to a permanent physical occupation and therefore a compensable taking. *Florida Rock Industries, Inc. v. United States*, 18 F.3d 1560 (Fed. Cir. 1994). In determining the economic impact of a land use regulation, the Tenth Circuit Court of Appeals has held that the impact on the parcel as a whole should be considered rather than the impact on just the part of the parcel (or the stick in the bundle of property rights) that is subject to the regulation. *Clajon, supra* at 7, citing *Penn Central Transp. Co. v. City of New York*, 438 U.S. 104, 57 L.Ed.2d 631, 98 S.Ct. 2646 (1978); *Concrete Pipe and Products of California, Inc. v. Construction Laborers Pension Trust for Southern California*, 508 U.S. ___, 124 L.Ed.2d 539, 578, 113 S.Ct. 2264 (1993); *Keystone*, 480 U.S. at 497. But see *Florida Rock, supra* at 1572 n.32.

4. Does the governmental action substantially further a legitimate state interest?

With regard to development exactions, where property is required to be dedicated in exchange for a permit, if no

(continued)

nexus exists between the asserted government purpose and the regulation, a taking may be found for lack of a legitimate government interest. *Nollan v. California Coastal Comm'n*, 483 U.S. 825, 837, 97 L.Ed.2d 677, 689, 107 S.Ct. 3141 (1987). For example, a condition on the granting of a land use permit that serves the same legitimate police-power purpose as a refusal to grant the permit will not be found to be a taking if the refusal to grant the permit would not constitute a taking, but if the condition substituted for the prohibition fails to further the end advanced as the justification for the prohibition, a compensable taking has occurred. If a nexus does exist, the degree of exaction demanded by the regulation must be roughly proportional to the impact of the use to which the property is being put. *Dolan v. City of Tigard*, 512 U.S. ___, 129 L.Ed.2d 304, 320, 114 S.Ct. 2309 (1994). The Tenth Circuit Court of Appeals has ruled that the "essential nexus" and "rough proportionality" tests expressed in *Nollan* and *Dolan* "are limited to the context of development exactions where there is a physical taking or its equivalent." *Clajon, supra* at 8, citing *Harris v. City of Wichita*, 862 F.Supp. 287, 293 (D.Kan. 1994).

5. Are the proscribed uses or physical occupation part of a preexisting limitation on the landowner's title?

If the limitation is inherent in the owner's title due to state property and nuisance laws or otherwise, no taking has occurred by a regulation imposing the same limitation. *Lucas, supra*, 120 L.Ed.2d at 820-823. Similarly, if a physical occupation is the exercise of a right that preexisted the owner's interest, no compensable taking has occurred when the right is exercised. *Id.*; *Scranton v. Wheeler*, 179 U.S. 141, 163, 45 L.Ed. 126, 21 S.Ct. 48 (1900).

Table of Cases Cited

- Agins v. Tiburon*, 447 U.S. 255, 65 L.Ed.2d 106, 100 S.Ct. 2138 (1980).
Baldwin v. City of Overland Park, 205 Kan. 1, 468 P.2d 168 (1970).
Clajon Production Corp. v. National Wildlife Federation, ___ F.3d ___, No. 94-8071, WL 686509 (10th Cir. Nov. 20, 1995).
Cultwell v. Abbott Construction Co., 211 Kan. 359, 506 P.2d 1191 (1973).
Dolan v. City of Tigard, 512 U.S. ___, 129 L.Ed.2d 304, 114 S.Ct. 2309 (1994).
Florida Rock Industries, Inc. v. United States, 18 F.3d 1560 (Fed. Cir. 1994), cert. den., ___ U.S. ___, 130 L.Ed.2d 783, 115 S.Ct. 898 (Jan. 17, 1995).
Harris v. City of Wichita, 862 F.Supp. 287 (D.Kan. 1994).
Jenkins v. City of El Dorado, 143 Kan. 206, 53 P.2d 798 (1936).
Joe Self Chevrolet, Inc. v. Board of Sedgwick County Comm'rs, 247 Kan. 625, 802 P.2d 1231 (1990).
Keystone Bituminous Coal Assn. v. DeBenedictis, 480 U.S. 470, 94 L.Ed.2d 472, 107 S.Ct. 1232 (1987).
Loretto v. Teleprompter Manhattan CATV Corp., 458 U.S. 419, 73 L.Ed.2d 868, 102 S.Ct. 3164 (1982).
Lucas v. South Carolina Coastal Council, 505 U.S. 120 L.Ed.2d 798, 112 S.Ct. 2886 (1992).
Nollan v. California Coastal Comm'n, 483 U.S. 825, 97 L.Ed.2d 677, 107 S.Ct. 3141 (1987).
Noel v. Menninger Foundation, 175 Kan. 751, 267 P.2d 934 (1954).
Penn Central Transp. Co. v. City of New York, 438 U.S. 104, 57 L.Ed.2d 631, 98 S.Ct. 2646 (1978), reh. den. 439 U.S. 883, 58 L.Ed.2d 198, 99 S.Ct. 226 (1978).
Pennsylvania Coal Co. v. Mahon, 260 U.S. 393, 67 L.Ed. 322, 43 S.Ct. 158 (1922).
Riddle v. State Highway Commission, 184 Kan. 603, 339 P.2d 301 (1959).
Scranton v. Wheeler, 179 U.S. 141, 45 L.Ed. 126, 21 S.Ct. 48 (1900).
State ex rel. Stephan v. Smith, 242 Kan. 336, 747 P.2d 816 (1987).
United States v. Causby, 328 U.S. 256, 90 L.Ed. 1206, 66 S.Ct. 1062 (1946).

Carla Stovall
 Attorney General

Doc. No. 017103

State of Kansas

Attorney General

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 1 p.m. Friday, March 8, in Room 106, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed changes in existing rules and regulations of the Attorney General in relation to private detective firearm permits and firearm trainer certificates. Following the public hearing held November 8, 1995, certain modifications in the proposed changes, as specified below, are under consideration.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to Attorney General Carla J. Stovall, c/o Assistant Attorney General Camille Nohe, Office of the Attorney General, Kansas Judicial Center, 2nd Floor, 301 S.W. 10th, Topeka, 66612-1597. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant limit any oral presentation to ten minutes.

Copies of the regulations and their economic impact statements may be obtained from the Attorney General's Office, (913) 296-2215.

These regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations with modifications and their economic impact follows.

K.A.R. 16-2-1. Definitions. This regulation provides definitions of terms used in the enabling statutes and in the regulation regarding the plan of operation required of firearm trainers. The definitions are intended to enable licensees in understanding the specific meaning of the terms. In addition, the definition of "hearing officer" is deleted because that term is defined in the Kansas administrative procedure act (see K.S.A. 77-514).

The modification proposed (following the November 8 public hearing) specifies that the definition of "capper" and "runner" pertains to a person acting on behalf of an attorney.

No cost is involved in implementation of this regulation. Consequently, there is no economic impact on the Attorney General's office (the agency proposing the regulation), any other governmental agency or unit, private citizen or consumer.

This regulation will affect persons who apply for a private detective license, or a private detective agency license, licensed private detectives, licensed private detective agencies, licensed private detectives who apply for or hold a firearm permit, and persons who apply for or hold a firearm trainer's certificate.

K.A.R. 16-5-1. Individuals deemed personally qualified and knowledgeable. This regulation establishes criteria by which the Attorney General may determine whether an applicant seeking to be certified as a firearm

trainer is personally qualified and knowledgeable in the handling of firearms and lawful use of force. It also provides a method for determining whether such an applicant is of good moral character.

Concerning the handling of firearms, the regulation requires an applicant to complete an approved firearms course and establishes education and training standards for approval of such courses. The regulation specifies methods by which an applicant may verify successful completion of such course.

Concerning the lawful use of force, the regulation requires an applicant to either verify completion of a relevant educational course or instruction.

The modification proposed (following the November 8 public hearing) specifies that the educational course or instruction must be a formal classroom or course.

Concerning good moral character, the regulation requires that an applicant either be a licensed private detective (whose good moral character has previously been established) or (1) submit affidavits from five persons attesting that the applicant is of good moral character, and (2) provide a classifiable set of fingerprints from which a criminal history check may be obtained.

The regulation is intended to protect the public by ensuring that firearm trainers are personally qualified to train licensed private detectives in the handling of firearms and lawful use of force.

There is no economic impact on the Attorney General's office (the agency proposing the regulation) or any other governmental agency or unit.

An applicant for a firearm trainer's certificate who has not completed an approved firearms course would need to complete such a course to be eligible for the certificate. The cost of such course is estimated to be \$250 to \$500 for tuition. Other associated costs, such as ammunition, travel expenses, lodging, meals and lost income are estimated to range from \$1700 to \$2000. These costs have been the costs associated with approved firearms courses in the past and are not new costs.

This regulation will affect applicants for certification as a firearm trainer.

K.A.R. 16-5-4. Plan of operation. This regulation establishes the requirements for a firearm trainer's plan of operation for training private detectives in the handling of firearms and the lawful use of force. The requirements for approval of a plan are a 16-hour program for initial applicants and an 8-hour program for renewal applicants. Both programs include specified training and instruction, a written examination and a daylight course of fire.

The modification proposed (following the November 8 public hearing) changes the former 70 percent shooting proficiency requirement to a specific course of fire.

There is no economic impact on the Attorney General's office (the agency proposing the regulation) or any other governmental agency or unit. The cost to a licensed private detective seeking a firearm permit to complete an initial training plan of operation (16 hours) is estimated to be \$250. The cost to a licensed private detective seeking to renew a firearm permit to complete the training plan of operation (8 hours) is estimated to be \$125.

This regulation will affect applicants for a firearm trainer certificate and licensed private detectives who ap-

ply for a firearm permit or apply to renew a firearm permit.

Carla Stovall
Attorney General

Doc. No. 017112

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Anadarko Gathering Company has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to install and operate one natural gas compressor engine. Emissions of oxides of nitrogen, carbon monoxide and volatile organic compounds were evaluated during the permit review process.

Anadarko Gathering Company, Houston, Texas, owns and operates the stationary source located at Sec. 27, T31S, R38W in Stevens County, at which the compressor engine is to be installed and operated.

A copy of the proposed permit, permit application, all supporting nonconfidential documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE southwest district office, 302 W. McArtor Road, Dodge City. To obtain or review the proposed permit and supporting documentation, contact Art Hofmeister, (913) 296-0910, at the KDHE central office, or Wayne Neese, (316) 225-0596, at the KDHE southwest district office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Art Hofmeister, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. Written comments must be received by the close of business January 22 in order to be considered in formulating a final permit decision.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business January 22 in order for the Secretary of Health and Environment to consider the request.

James J. O'Connell
Secretary of Health
and Environment

Doc. No. 017104

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Irving F. Jensen Co., dba Castle Rock Construction, has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of PM₁₀ were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

Irving F. Jensen Co., dba Castle Rock Construction, Sioux City, Iowa, is operating three portable central mix concrete batch plants.

A copy of the proposed permit, permit application, all supporting nonconfidential documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka. To obtain or review the proposed permit and supporting documentation, contact Cheryl Evans, (913) 296-6438, at the KDHE central office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Cheryl Evans, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. Written comments must be received by the close of business January 22 in order to be considered in formulating a final permit decision.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business January 22 in order for the Secretary of Health and Environment to consider the request.

James J. O'Connell
Secretary of Health
and Environment

Doc. No. 017107

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Exide Corporation has applied for an air quality construction permit in accordance with the provisions K.A.R. 28-19-300 to construct and operate a three-process line. Emissions of lead were evaluated during the permit review process.

Exide Corporation, Reading, Pennsylvania, owns and operates the stationary source located at 413 E. Berg Road, Salina, at which the three-process line is to be installed.

A copy of the proposed permit, permit application, all supporting nonconfidential documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE north central district office, 2501 Market Place, Salina. To obtain or review the proposed permit and supporting documentation, contact Eugene Sallee, (913) 296-1757, at the KDHE central office, or Peter Denning, (913) 827-9639, at the KDHE north central district office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Eugene Sallee, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. Written comments must be received by the close of business January 22 in order to be considered in formulating a final permit decision.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business January 22 in order for the Secretary of Health and Environment to consider the request.

James J. O'Connell
Secretary of Health
and Environment

Doc. No. 017105

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Union Pacific Resources Company has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to install a natural gas compressor. Emissions of NO_x, CO and VOC were evaluated during the permit review process.

Union Pacific Resources Company, 2790 N. Anderson Road, Garden City, owns and operates the stationary source located at NE ¼ NE ¼ SW ¼, S16, T26S, R34W in Finney County, at which the natural gas compressor is to be installed.

A copy of the proposed permit, permit application, all supporting nonconfidential documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE southwest district office, 302 McArtor Road, Dodge City. To obtain or review the proposed permit and supporting documentation, contact Daizy Dandass, (913) 296-6427, at the KDHE central office, or Wayne Neese, (316) 225-0596, at the KDHE southwest district office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Daizy Dandass, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. Written comments must be received by the close of business January 22 in order to be considered in formulating a final permit decision.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business January 22 in order for the Secretary of Health and Environment to consider the request.

James J. O'Connell
Secretary of Health
and Environment

Doc. No. 017114

State of Kansas

Kansas Commission on Governmental Standards and Conduct

Advisory Opinion No. 95-18

Written December 7, 1995, to Thelma Hunter Gordon, Secretary of Aging, Topeka.

This opinion is in response to your letter of November 2, 1995, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state conflict of interest laws (K.S.A. 46-215 *et seq.*). We note at the outset that the commission's jurisdiction concerning your question is limited to the application of K.S.A. 46-215 *et seq.* Whether some other statutory system, common law theory or agency rule and regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand you request this opinion in your capacity as Secretary of Aging for the Kansas Department on Aging. You advise us that members of the Kansas State Advisory Council on Aging are appointed by the Governor or legislative leaders, and serve solely in an advisory capacity to the Department on Aging. You further advise us that the council currently has a bylaw which prohibits a council member from serving on a Department of Aging sub-contractee controlling board while a member of the council. The council is considering changing the bylaws to delete this provision.

The sub-contractee controlling boards are either non-profit corporations or extensions of county government. They are funded primarily by grants from the Department on Aging, but are not themselves state agencies. The employees are paid either by the nonprofit organization or by the county.

Question

Is it a violation of the state conflict of interest laws (K.S.A. 46-215 *et seq.*) for a member of the State Advisory Council on Aging to also serve on a Department on Aging sub-contractee controlling board?

Opinion

K.S.A. 46-233, as amended by the 1995 Session Laws of Kansas, Chapter 77, Section 1, and K.S.A. 46-229(d) apply to your situation. K.S.A. 46-233(a) states:

No state officer or employee shall in the capacity as such officer or employee be substantially involved in the preparation of or participate in the making of a contract with any person or business by which such officer or employee is employed or in whose business such officer or employee or any member of such officer's or employee's immediate family has a substantial interest and no such person or business shall enter into any contract where any state officer or employee, acting in such capacity, is a signatory to, has been substantially involved in the preparation of or is a participant in the making of such contract and is employed by such person or business or such officer or employee or any member of such officer's or employee's immediate family has a substantial interest in such person or business. Substantial interest means "substantial interest" as defined by K.S.A. 46-229, and amendments thereto, and any such interest held within the preceding twelve months of the act or event of participating in the preparation of making a contract.

Whenever any individual has, within the preceding two years participated as a state officer or employee in the making of any contract with any person or business, such individual shall not accept employment with such person or business for one year following termination of employment as a state officer or employee.

K.S.A. 46-229(d) states:

If an individual or an individual's spouse holds the position of officer, director, associate, partner or proprietor of any business, the individual has a substantial interest in that business, irrespective of the amount of compensation received by the individual or individual's spouse.

K.S.A. 46-215 *et seq.* does not prohibit an advisory council member from serving on a sub-contractee controlling board. Rather, K.S.A. 46-233(a) and K.S.A. 46-229(d) prohibit a council member from participating, in his or her official capacity, in the making of contracts or awarding of grants between the council and the board.

Therefore, so long as the advisory council members, in that capacity, do not participate in the making of contracts or awarding of grants between the state and the board, this situation is not a violation of the state conflict of interest laws.

Advisory Opinion No. 95-19

Written December 7, 1995, to Dudley Havens, Topeka.

This opinion is in response to your letter of November 20, 1995, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state level conflict of interest laws (K.S.A. 46-215 *et seq.*).

Factual Statement

We understand you request this opinion in your capacity as the Associate Manager of Procurement for the Medicaid Management Information System (MMIS) of the Kansas Department of Social and Rehabilitation Services (SRS). You advise us that SRS is in the process of designing and implementing a new MMIS. The contract

(continued)

for the new MMIS was awarded to Blue Cross/Blue Shield of Kansas.

During the bidding process for the contract, you were involved as the caretaker of the documents and facilitator of the bid review teams. As such, you were responsible for assisting in the organization of the evaluation materials submitted by the review teams. However, you did not sit in on any team evaluation of the bids, nor did you visit the sites of the two bidders. You were involved in the bid opening of the cost proposals, but did not participate in negotiations with the two bidders.

Your employment with the state terminates next July. Upon your termination of state employment, you would like to accept employment with Blue Cross/Blue Shield.

Question

Is it a violation of the state level conflict of interest laws for you to accept employment with Blue Cross/Blue Shield after it was awarded a state contract by your agency?

Opinion

K.S.A. 46-233, as amended by the 1995 Session Laws of Kansas, Chapter 77, Section 1, subsections (a) and (d) applies to your situation.

K.S.A. 46-233 (a) and (d) state:

(a) . . . Whenever any individual has, within the preceding two years participated as a state officer or employee in the making of any contract with any person or business, such individual shall not accept employment with such person or business for one year following termination of employment as a state officer or employee.

(d) Subsections (a) and (b) shall not apply to the following:

- (1) Contracts let after competitive bidding has been advertised for by published notice; and
- (2) Contracts for property or services for which the price or rate is fixed by law.

The commission first notes that the situation you describe is a "negotiated bid" as opposed to a "competitive bid." We believe that a "negotiated bid" does not fit within the exception of subsection (d) (1), and does not apply to your situation. The issue then, is what kind of "participation in the making of a contract" was contemplated by the legislature to lead to the prohibition of accepting employment thereafter.

It is our opinion that for the "participation" language to be triggered, the "participation" must generally include discretionary determinations which assist in the selection of the person to be contracted with, or with significant terms of the agreement, or with providing significant factual or specific information concerning a proposed contract. In other words, mere ministerial actions would not constitute "participation" leading to the prohibition of later accepting employment.

Turning then to your specific situation, we understand your role was to act as support staff and provide organization for the bid review teams, who then did the actual negotiations with the bidders. If your actions were principally ministerial in nature and played no major part, if any, in the selection of who received the contract, or the terms of the agreement, then it would not be a violation

of the state level conflict of interest laws for you to accept employment with Blue Cross/Blue Shield.

Advisory Opinion No. 95-20

Written December 7, 1995, to Rebecca Woodman, Staff Attorney, Kansas Sentencing Commission, Topeka.

This opinion is in response to your letter of November 14, 1995, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state conflict of interest laws (K.S.A. 46-215 *et seq.*). We note at the outset that the commission's jurisdiction concerning your question is limited to the application of K.S.A. 46-215 *et seq.* Whether some other statutory system, common law theory or agency rule and regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand you request this opinion in your capacity as staff attorney for the Kansas Sentencing Commission. You advise us that by statute, the Sentencing Commission is to assist in the training and education of the public concerning sentencing guidelines. You further advise us that the Washburn University School of Law is interested in sponsoring a series of continuing legal education programs concerning sentencing guidelines. Washburn University would provide locations, advertisements and refreshments for the programs, and would charge an enrollment fee of some kind.

You are interested in being a speaker for the sentencing guideline programs. You would not receive any honoraria for being a speaker, nor would the Sentencing Commission receive any of the fees collected for the programs.

Question

Do the state conflict of interest laws (K.S.A. 46-215 *et seq.*) prohibit a Kansas Sentencing Commission attorney from being a speaker at a continuing legal education program sponsored by the Washburn University School of Law?

Opinion

We have reviewed K.S.A. 46-215 *et seq.* in its entirety, and three sections apply to your question.

K.S.A. 46-236, as amended by the 1995 Session Laws of Kansas, Chapter 172, Section 2 states in part:

No state officer or employee, candidate for state office or state officer elect shall solicit any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service from any person known to have a special interest, under circumstances where such officer, employee, candidate or state officer elect knows or should know that a major purpose of the donor in granting the same could be to influence the performance of the official duties or prospective official duties of such officer, employee, candidate or state officer elect.

K.S.A. 46-237, as amended by the 1995 Session Laws of Kansas, Chapter 172, Section 3, subsections (c) and (f) state:

(c) No person licensed, inspected or regulated by a state agency shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$40 or more in any calendar year to such agency or any state

officer or employee, candidate for state office or state officer elect of that agency.

(f) No state officer or employee shall accept any payment of honoraria for any speaking engagement except that a member of the state legislature or a part-time officer or employee of the executive branch of government shall be allowed to receive reimbursement in the preparation for and the making of a presentation at a speaking engagement in an amount fixed by the Kansas commission on governmental standards and conduct prior to the acceptance of the speaking engagement. Nothing in this section shall be construed to prohibit the reimbursement of state officers and employees for reasonable expenses incurred in attending seminars, conferences and other speaking engagements.

K.S.A. 46-228 states:

"Special interest" means an interest of any person as herein defined (1) concerning action or non-action by the legislature on any legislative matter affecting such person as distinct from affect upon the people of the state as a whole, or (2) in the action or non-action of any state agency or state officer or employee upon any matter affecting such person as distinct from affect upon the people of the state as a whole.

In applying these sections to your question, so long as the law school does not hold a "special interest" in the Sentencing Commission, the prohibition in K.S.A. 46-236 would not apply. Also, since the Sentencing Commission does not license, inspect or regulate the school (K.S.A. 46-237(c)) and you do not accept any honoraria for speaking at the programs (K.S.A. 46-237(f)), these sections would not prohibit the situation you describe.

Whether you may speak at these seminars during the state time is beyond this commission's jurisdiction, and we suggest that you contact the Department of Administration for guidance.

Advisory Opinion No. 95-21

Written December 7, 1995, to Deb Miller, Director of Planning and Development, Kansas Department of Transportation, Topeka.

This opinion is in response to your letter of October 30, 1995, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state conflict of interest laws (K.S.A. 46-215 *et seq.*).

Factual Statement

We understand you request this opinion in your capacity as Director of Planning and Development for the Kansas Department of Transportation (KDOT). You advise us that in your capacity as a state official, you attended a meeting sponsored by the Greater Kansas City Chamber of Commerce. The meeting was the Heartland Freight Coalition "Freight Town Hall Meeting," attended by industry leaders representing all modes and services within the transportation field.

The chamber had solicited door prizes from various Kansas City businesses which were awarded through a drawing at the conclusion of the meeting. Your name was drawn for a prize donated to the Chamber by TWA Airlines. This prize provides for roundtrip airfare for two to

anywhere TWA flies, provided the value of each ticket does not exceed \$750 and certain other restrictions.

Question

Is it a violation of the state conflict of interest laws for the Director of Planning and Development for KDOT to receive a prize donated by TWA Airlines to the Chamber of Commerce?

Opinion

K.S.A. 46-237(a), as amended by the 1995 Session Laws of Kansas, Chapter 172, Section 3, and K.S.A. 46-228 relate to your question. K.S.A. 46-237(a) states:

(a) No state officer or employee, candidate for state office or state officer elect shall accept, or agree to accept any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$40 or more in any calendar year from any one person known to have a special interest, under circumstances where such person knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties.

K.S.A. 46-228 states:

"Special interest" means an interest of any person as herein defined (1) concerning action or non-action by the legislature on any legislative matter affecting such person as distinct from affect upon the people of the state as a whole, or (2) in the action or non-action of any state agency or state officer or employee upon any matter affecting such person as distinct from affect upon the people of the state as a whole.

As the commission understands this situation, you do not have any job duties or responsibilities, in your position as Director of Planning and Development for KDOT, that would directly affect TWA. Therefore, TWA does not have a "special interest," and it would not be a violation of the state conflict of interest laws for you to accept and use the airline ticket.

Advisory Opinion No. 95-22

Written December 7, 1995, to Rita Cline, Glenda Flowers and Beverly Creswell, Title EXPRESS, Topeka.

This opinion is in response to your letter of October 26, 1995, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the local level conflict of interest laws (K.S.A. 75-4301 *et seq.*). We note at the outset that the commission's jurisdiction concerning your question is limited to the application of K.S.A. 75-4301 *et seq.* Whether some other statutory system, common law theory or agency rule and regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand you request this opinion in your capacities as Shawnee County Treasurer, Deputy Treasurer, and Motor Vehicle Clerk, respectively. The three of you are interested in owning and managing a title service company.

Question

Is it a violation of the local level conflict of interest laws (K.S.A. 75-4301 *et seq.*) for employees of the Shawnee

(continued)

County Treasurer's Office to own and manage a title service company?

Opinion

K.S.A. 75-4304 relates to your question. That section states:

(a) No local governmental officer or employee shall, in the capacity of such an officer or employee, make or participate in the making of a contract with any person or business by which the officer or employee is employed or in whose business the officer or employee has a substantial interest.

(b) No person or business shall enter into any contract where any local governmental officer or employee, acting in that capacity, is a signatory to or a participant in the making of the contract and is employed by or has a substantial interest in the person or business.

(c) A local governmental officer or employee does not make or participate in the making of a contract if the officer or employee abstains from any action in regard to the contract.

(d) This section shall not apply to the following:

(1) Contracts let after competitive bidding has been advertised for by published notice; and

(2) contracts for property or services for which the price or rate is fixed by law.

(e) Any local governmental officer or employee who is convicted of violating this section shall forfeit the office or employment.

The prohibitions in this section relate to an individual's actions as a public official concerning contracts between his or her public office and a business by which the official is employed or holds a "substantial interest" (see K.S.A. 75-4301a). Therefore, so long as the three of you do not participate, in your official capacities as public officials, in any contracts between the county and the title service company, it is not a violation of the local level conflict of interest laws to own and manage the company.

Advisory Opinion No. 95-23

Written December 7, 1995, to Timothy Madden, Chief Legal Counsel, Department of Corrections, Topeka.

This opinion is in response to your letter of November 29, 1995, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state level conflict of interest laws (K.S.A. 46-215 *et seq.*). We note at the outset that the commission's jurisdiction concerning your question is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule and regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand you request this opinion in your capacity as chief legal counsel for the Kansas Department of Corrections (KDOC). You advise us that KDOC is interested in cosponsoring a professional conference. The conference would be cosponsored in conjunction with the Correctional Accreditation Managers Association and the National Deputy Wardens Association.

These conferences would provide for vendors, interested in displaying their products and services, to pay a

fee for an exhibition booth. Vendors would also be invited to establish hospitality suites and/or sponsor dinners for conference attendees. Proceeds from the fees would belong to the nongovernmental cosponsor. The solicitation of exhibit displays/hospitality suites and the underwriting of dinners would be undertaken by the nongovernmental cosponsor.

Question

Is it a violation of the state level conflict of interest laws (K.S.A. 46-215 *et seq.*) for KDOC to cosponsor a professional conference with nongovernmental organizations?

Opinion

We have reviewed K.S.A. 46-215 *et seq.* in its entirety, and three sections may apply to your situation.

K.S.A. 46-236, as amended by the 1995 Session Laws of Kansas, Chapter 172, Section 2, in pertinent part states:

No state officer or employee, candidate for state office or state officer elect shall solicit any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service from any person known to have a special interest, under circumstances where such officer, employee, candidate or state officer elect knows or should know that a major purpose of the donor in granting the same could be to influence the performance of the official duties or prospective official duties of such officer, employee, candidate or state officer elect.

K.S.A. 46-228 states:

"Special interest" means an interest of any person as herein defined (1) concerning action or non-action by the legislature on any legislative matter affecting such person as distinct from affect upon the people of the state as a whole, or (2) in the action or non-action of any state agency or state officer or employee upon any matter affecting such person as distinct from affect upon the people of the state as a whole.

K.S.A. 46-237, as amended by the 1995 Session Laws of Kansas, Chapter 172, Section 3, subsection (c) states:

No person licensed, inspected or regulated by a state agency shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$40 or more in any calendar year to such agency or any state officer or employee, candidate for state office or state officer elect of that agency.

In applying these sections to your question, since the nongovernmental organizations do not hold a "special interest" in KDOC, the prohibition in K.S.A. 46-236 would not apply. Also, since KDOC does not license, inspect or regulate these organizations, K.S.A. 46-237(c) would not prohibit the situation you describe. Therefore, it would not be a violation of the state level conflict of interest laws for KDOC to cosponsor a professional conference with these nongovernmental organizations.

We do note that the vendors who attend the conference could have a "special interest" in KDOC. If this is the case, then KDOC employees may not participate in the solicitation of these vendors.

Doc. No. 017099

Diane Gaede
Chair

State of Kansas

Department of Health
and EnvironmentNotice Concerning Kansas
Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, 28-16-150 through 154, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared for discharges to the waters of the United States and the state of Kansas for the class of dischargers described below. The determinations for permit content are based on staff review, applying the appropriate standards, regulations, and effluent limitations of the state of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain conditions.

Public Notice No. KS-AG-95-222/228

Name and Address of Applicant	Legal Description	Receiving Water
Riverside Feeders, Inc. P.O. Box 219 Penokee, KS 67659	NE/4, Sec. 34, T8S, R24W, Graham County	Solomon River Basin

Kansas Permit No. A-SOGH-C001 Federal Permit No. KS-0079669

This is an existing facility for 9,000 head (9,000 animal units) of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided for 18.85 acre-feet, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Schroeder Brothers David Schroeder Route 1, Box 26 Tipton, KS 67845	NE/4, Sec. 4, T9S, R11W, Osborne County	Solomon River Basin

Kansas Permit No. A-SOOB-BA07

This is a new facility for 290 head (145 animal units) of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Hachmeister Cattle Company P.O. Box B Natoma, KS 67651	SE/4, Sec. 12, T10S, R16W, Rooks County	Saline River Basin

Kansas Permit No. A-SARO-C001 Federal Permit No. KS-0115371

This is an existing facility for 4,999 head (4,999 animal units) of cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided for 8.95 acre-feet, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to,

the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Kenny E. Kinderknecht HCR 1, Box 87 Collyer, KS 67631	SW/4, Sec. 36, T10S, R25W, Graham County	Saline River Basin

Kansas Permit No. A-SAGH-M002

This is a new facility for 40 head (56 animal units) of dairy cows.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided for .80 acre-feet, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: Dewatering and disposal equipment shall be available prior to utilizing pollution controls.

Name and Address of Applicant	Legal Description	Receiving Water
Daryl Scheibmeier, dba Cedar Crest Farm Route 1, Box 19 Piqua, KS 66761	SE/4, Sec. 7, T24S, R17E, Woodson County	Neosho River Basin

Kansas Permit No. A-NEWO-S008

This is an existing facility for 500 head (200 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided for 5,950 cubic feet, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Max Pryor Route 3, Box 28 Fredonia, KS 66736	NE/4, Sec. 26, T29S, R14E, Wilson County	Verdigris River Basin

Kansas Permit No. A-VEWL-S016

This is an existing facility for 500 head (200 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided for 15,100 cubic feet, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Larry Mills Route 1, Box 273 Elk City, KS 67344	SE/4, Sec. 15, T32S, R13E, Chautauqua County	Verdigris River Basin

(continued)

Kansas Permit No. A-VECQ-S004

This is an existing facility for 700 head (280 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided for 31,275 cubic feet, which meets or exceeds KDHE minimum requirements.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Public Notice No. KS-S-95-001

Class of Dischargers	Legal Description	Receiving Water
Owners/operators of construction sites who will disturb 5 or more acres	State of Kansas	Waters of Kansas

General Permit No. S-MCST-9601-1

KS Permit No. S-AANN-NNNN (Permittee's State Permit Number)

Federal Permit No. KS-R10NNNN (Permittee's Federal Permit Number)

Description: The draft NPDES permit is a general permit as opposed to an individual permit. A NPDES general permit applies to a group or class of dischargers. Each member of the group or class has similar activities and discharges. This commonality enables KDHE to issue an NPDES permit, which can be applied to all of the group or class members. Since one permit is the same for all members of the group or class, a copy of the permit is placed on public notice one time. Thereafter, permit applicants need only certify they meet the conditions for coverage specified in the NPDES general permit and make application to KDHE. The general permitting procedure will result in the permits being issued in a shorter time frame compared to individual NPDES permits.

This draft NPDES general permit contains conditions, prohibitions, reporting requirements, record keeping requirements and other conditions. It is applicable to construction projects including clearing, grading and excavation activities except: operations which result in the disturbance of less than 5 acres of total land area which are not part of a larger common plan of development or sale. This draft permit authorizes discharges of stormwater runoff from construction projects that currently have an application on file with KDHE, and from new construction projects started during the five-year term of this general permit and requesting to be covered under the general permit. The primary condition of the permit requires the construction project owner to develop and implement a stormwater pollution prevention (SWP2) plan. The SWP2 plan must specify what actions, or best management practices (BMPs), will be taken to prevent or minimize erosion and to control sediment. BMPs include but are not limited to: marking areas which are not to be disturbed, seeding disturbed areas as soon as practical, mulching disturbed areas until construction restarts or seeding is begun, installing sedimentation basins, installing sedimentation fences, using soil and mulch stabilizers, placing rip rap at storm drain outlets, etc. The conditions in the general permit are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f) and federal surface water criteria.

Owners of construction projects that have already applied to KDHE for an NPDES permit to discharge stormwater runoff will be billed \$60 for the annual permit fee unless KDHE has received a notice of termination for the construction project. KDHE will then issue the project owner a copy of the general permit that specifically names the owner and project location.

For new construction projects started after the general permit becomes final and seeking coverage under the general permit by submitting a notice of intent (NOI) and permit fee, a copy of the general permit that specifically names the owner and project location will be sent by KDHE to the applicant.

Public Notice No. KS-95-113/121

Name and Address of Applicant	Waterway	Type of Discharge
Farmland Industries, Inc. P.O. Box 570 Coffeyville, KS 67337	Verdigris River	Treated process wastewater and stormwater

Kansas Permit No. I-VE09-PO02 Federal Permit No. KS-0000248

Facility Description: This notice is for a modified permit, which was previously noticed in Public Notice KS-95-105 dated December 7, 1995. This is a 75,000 barrel per day petroleum refinery. Future refining operations will be 95,000 barrels per day (projected June 1996) and 125,000 barrels per day (projected March 1997). The wastewater treatment facility consists of a stormwater holding pond, oil-water separator, equalization basin, DAF units, CMAS basins, digester, final clarifier and aerobic ponds. The design wastewater flow is 2.2 million gallons per day. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Acme Brick Co. Vondrras Mine P.O. Box 582590 Tulsa, OK 74158	Smoky Hill River via Clear Creek via unnamed tributary	Mine de-watering and uncontaminated stormwater

Kansas Permit No. I-SH19-PO02 Federal Permit No. KS-0087009

Facility Description: This is a clay mining operation for brick manufacturing. The discharge consists of mine pit dewatering and uncontaminated stormwater runoff. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Chanute Power Plant P.O. Box 907 Chanute, KS 66720	Neosho River via Turkey Creek via unnamed tributary	Cooling tower blowdown

Kansas Permit No. I-NE11-CO01 Federal Permit No. KS-0082597

Facility Description: The wastewater discharge consists of cooling tower blowdown from a diesel power plant. Average discharge rate is 15,840 gpd. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Union Pacific Railroad Coffeyville Railyard 1416 Dodge St. Omaha, NE 68137	Verdigris River via Onion Creek	Stormwater

Kansas Permit No. I-VE09-PO05 Federal Permit No. KS-0078981

Facility Address: 519 W. 14th, Coffeyville, Kansas

Facility Description: Stormwater run-off from a car repair shop, fueling platform, rail car wash platform, and parking lot is directed through a grit chamber, a lift station, an API oil-water separator, and a flow control manhole to the city sanitary sewer. Stormwater runoff in excess of 100 gpm is transferred from the lift station to an earthen holding lagoon. The holding lagoon drains at a controlled rate back into the pump station after the storm has receded. Any stormwater in excess of a 10-year 24-hour precipitation event overflows through a trash screen to the storm sewer. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Witco Corporation Southwest Products Division P.O. Box 1974 1400 S. Harrison Olathe, KS 66061	Kansas River via Mill Creek	Steam condensate and stormwater

Kansas Permit No. I-KS52-PO02 Federal Permit No. KS-0082988

Facility Description: This facility manufactures greases using refined base oils and commercially available fats, acids and additives. It also

blends gear oils using refined base oils and additives. Steam condensate and stormwater runoff from the plant site are routed through an oil-water separator prior to discharging into Mill Creek. Boiler blowdown and domestic waste are discharged to a city sanitary sewer. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
City of Andale P.O. Box 338 Andale, KS 67001	Arkansas River via Cowskin Creek via unnamed tributary	Treated domestic wastewater
Kansas Permit No. M-AR03-0001		Federal Permit No. KS-0092223

Facility Description: This is an existing three-cell lagoon for the treatment of domestic wastewater. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
City of Belvue P.O. Box 27 Belvue, KS 66407	Kansas River via Lost Creek via unnamed tributary	Treated domestic wastewater
Kansas Permit No. M-KS05-0001		Federal Permit No. KS-0046370

Facility Description: This is an existing three-cell lagoon for the treatment of domestic wastewater. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based. The proposed permit contains a schedule of compliance requiring the facility to obtain the services of a KDHE-certified operator.

Name and Address of Applicant	Waterway	Type of Discharge
City of Easton P.O. Box 267 Easton, KS 66020	Kansas River via Stranger Creek	Treated domestic wastewater
Kansas Permit No. M-KS13-0001		Federal Permit No. KS-0047261

Facility Description: This is an existing two-cell lagoon for the treatment of domestic wastewater. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based. The proposed permit contains a schedule of compliance requiring the facility to obtain the services of a KDHE-certified operator.

Name and Address of Applicant	Waterway	Type of Discharge
City of Everest Route 1, Box 40 Everest, KS 66424	Kansas River via Grasshopper Creek via Mission Creek via Otter Creek via unnamed tributary	Treated domestic wastewater
Kansas Permit No. M-KS18-0001		Federal Permit No. KS-0027171

Facility Description: This is an existing two-cell lagoon for the treatment of domestic wastewater. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Public Notice No. KS-ND-95-88/89

Name and Address of Applicant	Location	Type of Discharge
Lacy Steel Co. P.O. Box 247 Lawrence, KS 66044	S16, T12S, R20E, Douglas County	Nonoverflowing
Kansas Permit No. I-KS31-NO01		

Facility Description: The proposed permit for this facility is for operation of an existing nonoverflowing wastewater treatment lagoon treating domestic wastes. Disposal of the lagoon wastewater is by percolation and evaporation. The proposed permit contains a schedule of compliance requiring the facility to obtain the services of a KDHE-certified operator.

Name and Address of Applicant	Location	Type of Discharge
Ben-Lee Meat Processing c/o Tom and Kathy Carroll Route 2 Atwood, KS 67730	SE 1/4, S32, T2S, R33W, Rawlins County	Nonoverflowing

Kansas Permit No. I-UR02-NP01

Facility Description: This facility is a small slaughtering house operation. Cleanup water and domestic wastes are directed through a septic tank to a two-cell evaporation lagoon. Disposal of the lagoon wastewater is by percolation and evaporation. The proposed permit contains a schedule of compliance requiring the facility to obtain the services of a KDHE-certified operator.

Written comments on the draft permits must be submitted to the attention of Lisa Duncan for agricultural permits, David Freise for NPDES general stormwater permits, or the permit clerk for all other permits; Kansas Department of Health and Environment, Division of Environment, Bureau of Water, J Street and 2 North, Forbes Field, Building 283, Topeka, 66620. All comments postmarked or received on or before January 19 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-95-222/228, KS-S-95-001, KS-95-113/121, KS-ND-95-88/89) and the name of applicant as listed when preparing comments.

If no objections are received during the public notice period, the Secretary of Health and Environment will issue the final determination. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61. Media coordination for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

The applications, proposed permits, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 283, Forbes Field, Topeka, from 8 a.m. to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

For the stormwater general permit only (Public Notice KS-S-95-001):

The documents supporting the stormwater general permit are available upon request at the copying cost assessed by KDHE. Since the general permit for discharges of stormwater runoff from construction activity will affect a large number of businesses, the agency has distributed copies of the draft general permit to many of the statewide associations who represent many of the persons who will be subject to the general permit. If you wish to obtain a copy of the draft general permit, please contact KDHE. Copy charges for the stormwater general permit are \$7.25 if mailed or \$4.35 if picked up at KHDE. Alternatively, if you are a member of an association, may want to visit your association office to view a copy of the draft general permit.

James J. O'Connell
Secretary of Health
and Environment

Doc. No. 017113

State of Kansas

Department of Administration
Division of Purchases

Notice to Bidders

Sealed bids for the following items will be received by the Director of Purchases, Room 102, Landon State Office Building, 900 S.W. Jackson, Topeka, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

Tuesday, January 2, 1996

03052

Hutchinson Correctional Facility—Water closets

03053

Department of Transportation—Furnish and install fencing at Paola Sub Area, Louisburg

Wednesday, January 3, 1996

31516

Statewide—Thermal and spirit masters and spirit fluid

03057

Wichita State University—Furnish all labor and materials for excavation of swimming pool

03058

Kansas State University—Skid steer loader

03071

Kansas State University—Milo

Thursday, January 4, 1996

31530

Department of Human Resources—Microfilm supplies

31534

Board of Regents facilities—Police uniforms

31540

Statewide—February (1996) meat products

03067

University of Kansas—Video production/audio processing equipment

03073

Department of Transportation—Computer server

03077

Department of Transportation—Spectrum analyzer, various locations

03078

Department of Transportation—Automotive lifts, various locations

Friday, January 5, 1996

31529

University of Kansas—Security guard services, Regents Center, Overland Park

03072

Kansas State University—Color Unix workstation

03074

Department of Transportation—Petroleum test apparatus

03075

Department of Transportation—Diamond core bits, Salina

03076

Department of Administration, Division of Information Systems and Communications—Load testing software for Unix, training and installation

Wednesday, January 10, 1996

A-7804

Kansas State University—Asbestos abatement and fireproofing, Delp classroom development

A-7833

Kansas State University—Dog run improvements, Clinical Sciences Building, Topeka

31533

University of Kansas—Room preparation/janitorial services, Hutchinson

Monday, January 22, 1996

31536

Department of Wildlife and Parks—Agricultural lease, Byron Walker Wildlife Area

31538

Department of Corrections, Hutchinson Correctional Facility—Lease of land

John T. Houlihan
Director of Purchases

Doc. No. 017117

State of Kansas

Department of Transportation

Notice to Consulting Engineering Firms

The Kansas Department of Transportation is seeking qualified consulting engineering firms for the projects listed below. Responses must be received by January 19 for the consulting engineering firm to be considered. Seven signed copies of responses must be mailed to Neil R. Rusch, P.E., Assistant to the Director, Division of Engineering and Design, Kansas Department of Transportation, Room 1084-West, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1568.

The Consultant Selection Committee requests that any firm wishing to be considered for more than one project list those projects on a single submittal.

Package No. 1

Project No. K-5991-01 Statewide

The scope of services is to load rate 120 "Illinois Bulletin" slab span bridges and develop six models with field verification. The bridges are located in 54 counties statewide. The project is scheduled to be completed by November 1996.

Package No. 2

Project No. 235-87 K-5612-01 Sedgwick County

The scope of services is to design for the installation of a fully actuated traffic signal system for the interchange of I-235 and K-42/K-2 in Wichita. The preconstruction is scheduled to be completed by July 1996. The construction estimate is \$91,000.

(Published in the Kansas Register December 21, 1995.)

Package No. 3**Project No. 54-37 K-5892-01 Greenwood County**

The scope of services is for safety rest area improvements, including new composting toilet facility, pavement markings and landscaping for Safety Rest Area #4-5501, 3.2 km (2 miles) west of K-105. The preconstruction activities are scheduled to be completed by October 1997. The estimated construction cost is \$307,000.

Project 75-104 K-5894-01 Woodson County

The scope of services is for safety rest area improvements, including a new comfort station, water and wastewater systems, grading, minor surfacing, pavement marking, landscaping, right of way, fencing, and utilities for Safety Rest Area #4-5506, 8.0 km (6 miles) north of Yates Center. The preconstruction activities are scheduled to be completed by October 1998. The estimated construction cost is \$644,000.

Package No. 4**Project No. 50-93 K-5896-01 Stafford County**

The scope of services is for safety rest area improvements, including a new comfort station, water and waste systems, pavement marking, landscaping and utilities for Safety Rest Area #5-1503, 9.7 km (6 miles) west of Stafford. The preconstruction activities are scheduled to be completed by October 1999. The estimated cost is \$592,000.

Project No. 40-100 K-5900-01 Wallace County

The scope of services is for improvements to Safety Rest Area #3-4502, east of Wallace, including a new comfort station, pavement marking and landscaping. The preconstruction activities are scheduled to be completed by December 2001. The estimated preconstruction cost is \$330,000.

Project No. 96-83 K-5898-01 Rush County

The scope of services is for improvements to Safety Rest Area #5-9501, west of Alexander, including a new comfort station, wastewater system, pavement marking, landscaping, right of way and fencing. The preconstruction activities are scheduled to be completed by October 2000. The estimated construction cost is \$570,000.

From the firms expressing interest, the Consultant Selection Committee will select a list of the most highly qualified (not less than three, not more than five) and invite them to attend an individual interview conference. At this time, the consulting firms can more thoroughly discuss their experience related to the type of projects at hand. Firms not selected to be shortlisted will be notified by letter.

The Consultant Negotiating Committee, appointed by the Secretary of Transportation, will conduct the discussions with the firms invited to the individual interview conference. The committee will select the firm to perform the professional services required for completing the advertised project. After the selection of this firm, the remaining firms will be notified by letter of the outcome.

It is the policy of KDOT to use the following criteria as the basis for selection of the consulting engineering firms:

1. Size and professional qualifications.
2. Experience of staff.
3. Location of firm with respect to proposed project.
4. Workload of firm.
5. Firm's performance record.

E. Dean Carlson
Secretary of Transportation

Doc. No. 017118

**Notice of Call for Redemption
to the owners of
City of Wichita, Kansas
Industrial Revenue Bonds
(North Emporia Building—Tenant)
\$625,000
Series VIII, 1980**

Notice is hereby given that pursuant to the provisions of Section 5 of Ordinance No. 36-723 of the City of Wichita, Kansas (the issuer), the above mentioned bonds maturing August 1, 2001 (the called bonds), have been called for redemption in full and the \$315,000 outstanding principal amount thereof shall be redeemed on February 1, 1996 (the redemption date), at the principal corporate trust office of the Southwest National Bank of Wichita, 400 E. Douglas, P.O. Box 1401, Wichita, KS 67201 (the paying agent).

The called bonds are further described as follows:

Term Bonds

Maturity Date	Principal Amount	Interest Rate	CUSIP
08/01/01	\$315,000	10.5%	967257-CA2

On the redemption date, provided that funds are on hand to pay the above described Series VIII, 1980 Bonds as aforesaid, there shall become due and payable, upon the presentation and surrender of each such called bond, the redemption price thereof equal to 102 percent of the principal amount thereof together with interest accrued to the redemption date. Interest shall cease to accrue on the bonds so called for redemption from and after February 1, 1996.

In the event such funds are not on deposit with the trustee, the trustee shall notify all owners of the bonds that the redemption described in the notice has been cancelled.

Neither the city nor the paying agent shall be responsible for the selection or use of the CUSIP identification number shown above or printed on any of the Series VIII, 1980 Bonds. Said CUSIP identification number is included solely for the convenience of the owners of the Series VIII, 1980 Bonds.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, as amended and codified at Section 3406(a) (I) of the Internal Revenue Code of 1986, paying agents making payments of interest or principal on corporate securities or making payments of principal on municipal securities may be obligated to withhold a 31 percent tax from remittances to individuals who have failed to furnish the paying agent with a valid taxpayer identification number. Holders of the bonds who wish to avoid the imposition of the tax should submit certified taxpayer identification numbers when presenting the bonds for payment.

Dated December 20, 1995.

Southwest National Bank of Wichita
Paying Agent
P.O. Box 1401
400 E. Douglas
Wichita, KS 67201

Doc. No. 017109

State of Kansas

Department of Education

Permanent Administrative
Regulations

Article 1.—CERTIFICATE REGULATIONS

91-1-30. Elementary, middle level, junior high, and secondary endorsements.

(a) Initial certification.

(1) Except as otherwise expressly provided in these regulations, each initial certificate shall be valid for three years.

(2) Any secondary endorsement shall be extended to grades five and six, if the applicant's preparation:

(A) includes course work in child and adolescent psychology, accredited experience or student teaching in one of the grades five through nine, and 15 semester hours of education or training in each field or subject covered by the endorsement. This option shall expire July 1, 1997; or

(B) meets the standards set forth in S.B.R. 91-1-144 and the appropriate middle-level subject and field requirements, and includes accredited teaching experience or student teaching in one or more of the grades five through nine, and 15 semester hours of education or training in each field or subject covered by the endorsement.

(3) Any applicant who holds or is eligible for a certificate with an endorsement at the secondary level for one or more subjects or fields shall be granted an endorsement at the middle or junior high level, if the applicant meets the requirements of S.B.R. 91-1-30(a)(2).

(4) Any elementary certificate shall include a subject level endorsement for middle or junior high school level if the applicant's preparation:

(A) includes coursework in child and adolescent psychology, accredited experience or student teaching in one of the grades five through nine for middle or junior high school level, and 15 semester hours of education or training in each field or subject covered by the endorsement. This option shall expire July 1, 1997; or

(B) meets the standards set forth in S.B.R. 91-1-144 and the appropriate middle level subject and field requirements, and includes accredited teaching experience or student teaching in one or more of the grades five through nine, and 15 semester hours of education or training in each field or subject covered by the endorsement.

(5) Any applicant who is employed at an accredited teacher education institution may meet recent credit or experience requirements with verification by the dean or head of the education department that the experiences the individual has acquired in the areas of research, curriculum development, staff development or inservice education are equivalent to the semester hour requirements for initial certification provided in S.B.R. 91-1-27(c).

(b) Renewal requirements.

(1) Credit other than upper-division or graduate level credit that is submitted as a basis for renewal of certification shall be approved by the applicant's district school administrator, building administrator, or the certification officer of an accredited teacher-education institution.

(2) Applicants for renewal of certification based upon credit hours shall select credit hours which maintain or improve skills related to their employment as teachers, administrators or special services personnel. Renewal credit shall be appropriate for any endorsements which appear on the certificate, to a new endorsement area, or to professional development.

(3) Applicants for renewal of certification based upon credit hours who do not have previous credit in the area of exceptional children shall have completed a two-hour survey course or other courses with equivalent content in the area of exceptional children.

(4) Applicants for renewal of certification based upon accredited experience who do not have previous credit in the area of exceptional children shall have completed a two-hour survey course or other courses with equivalent content in the area of exceptional children.

(5) When any person has two years of accredited, recent experience in the area for which the person is certified, and when that person meets the requirements of subsection (b)(3) or (b)(4) of this regulation, the person's certificate may be renewed for five years, if:

(A) the experience was obtained within the term of the three-year certificate; and

(B) the person is recommended for renewal by the administration of the school in which the person is employed.

(6) For any person who does not hold an advanced degree, a renewal of a five-year certificate shall require that the person has completed a minimum of eight additional hours of recent credit or the prescribed number of recent inservice education points specified in S.B.R. 91-1-146a to 91-1-146d.

(7)(A) Any person holding an advanced degree may be granted two renewals of a five-year certificate if the person has completed three years of accredited, recent experience during the term of the most recent certificate.

(B) Further renewals of a five-year certificate issued to a person who holds an advanced degree shall require that the person has completed six additional hours of recent credit or the prescribed number of recent inservice education points specified in S.B.R. 91-1-146a to 91-1-146d.

(8) Any applicant for renewal of an elementary certificate who has not previously completed a course in the teaching of reading shall have completed such a course. This course shall include a supervised practicum.

(9) Any person having an initial certificate who does not meet the requirements for a five-year certificate may be granted an additional three-year certificate if the person has:

(A) one year of accredited, recent experience since the issuance of the most recent three-year Kansas certificate;

(B) an advanced degree and six additional hours of recent credit or the prescribed number of recent inservice education points specified in S.B.R. 91-1-146a to 91-1-146d; or

(C) eight additional hours of recent credit or the prescribed number of recent inservice education points specified in S.B.R. 91-1-146a to 91-1-146d, if the applicant does not hold an advanced degree.

(10) Applicants for renewal of certification who are employed at an accredited teacher education institution

may meet renewal requirements with verification by the dean or head of the education department that the experiences the individual has acquired in the areas of research, curriculum development, staff development or in-service education are equivalent to the stated semester hour requirements for renewal of certification provided in state board regulations for the certificate the individual holds or has held.

(11) (A) The following types of certificates, which were valid as of July 1, 1980, shall be treated as non-expiring: 123, 124, 125, 126, 127, 128, 133, 139, 140, 144, 145, 146, 147, 157, 158, 201, and 202.

(B) Those certificates listed above, which were not valid as of July 1, 1980, shall be renewed as non-expiring certificates by meeting the requirements prescribed in S.B.R. 91-1-30(b)(3), (b)(4), or (b)(5)(B).

(12) The state board reserves the right to modify or amend the regulations relating to renewal requirements for all certificates. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended May 1, 1987; amended June 1, 1993; amended Jan. 5, 1996.)

91-1-34. Special education supervisor/coordinator.

(a) Each applicant for a special education supervisor/coordinator endorsement shall:

- (1) have successfully completed:
 - (A) a graduate degree;
 - (B) a state-approved supervisor/coordinator program;
 - (C) a state-approved program in one or more special education subject areas; and
 - (D) two years of experience in one or more special education subject areas; and
- (2) be recommended by a teacher education institution.

(b) A state-approved special education supervisor/coordinator program shall consist of a course of study requiring each student to demonstrate knowledge of:

- (1) procedures to develop and select curricula, instructional methods and media by:
 - (A) explaining the relationship between instructional objectives and curriculum developed or selected to attain them;
 - (B) identifying the sources of influence upon curriculum development and selection;
 - (C) developing a curriculum unit meeting the instructional objectives;
 - (D) describing a variety of instructional methods that can be used with exceptional pupils;
 - (E) applying an instructional method to an instructional objective;
 - (F) using media as a part of the instructional process;
 - (G) planning a series of objectives to complete a program of curriculum study and development; and
 - (H) describing the procedures required to establish and maintain an instructional resource center;
- (2) staff support system development and operation by:
 - (A) explaining procedures to improve communication between and among staff members;

(B) eliciting information from others about issues related to the improvement of instructional programs and using the information to plan new approaches to instruction;

(C) describing a procedure to assist staff members with program planning and problem-solving skills;

(D) developing and implementing a plan for assessing program needs;

(E) conducting a staff development workshop that is related to program needs; and

(F) describing procedures to assist staff members in applying the knowledge and skills acquired through staff development activities;

(3) human relations and consultation skills by:

(A) explaining the function of consultation in a supervisor/coordinator's role;

(B) describing components of the consultation process;

(C) developing a consultation plan to assist staff members, individually and in groups; and

(D) displaying individual and group conferencing techniques;

(4) instructional program evaluation by:

(A) developing a plan to instruct staff in the use of a peer supervision system;

(B) describing the procedures used to implement a clinical supervision program;

(C) explaining how a supervisor/coordinator can collaborate with staff members to develop performance evaluation procedures consistent with role descriptions;

(D) planning a procedure for formative and summary evaluations of instructional programs; and

(E) describing approaches for interpreting and communicating instructional program evaluation information; and

(5) program management activities by:

(A) describing procedures for the selection, orientation and assignment of staff members;

(B) describing the supervisor/coordinator's role in planning and implementing comprehensive instructional services;

(C) developing a system to coordinate assignment of teacher education students to directed teaching, practicum, and other related experiences;

(D) planning a way to use research results to improve instructional programs;

(E) developing a plan for the acquisition and distribution of instructional media;

(F) designing a budget to provide instructional services for pupils in one of the special education subject areas; and

(G) explaining how to use evaluation data to improve instruction. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1986; amended Jan. 28, 1991; amended Jan. 5, 1996.)

91-1-35. Director of vocational education. (a) Each applicant for this endorsement shall:

(1) hold a valid Kansas certificate with a building administrator endorsement;

(continued)

- (2) have credit in each of the following areas:
 - (A) principles and philosophy of vocational education;
 - (B) organization and administration of vocational education;
 - (C) methods and materials of vocational education; and
 - (D) job analysis;

(3) have three years of accredited experience in an approved vocational program; and

(4) have two years of paid employment in a vocational occupation, one year of which shall have been full time and continuous.

(b) The renewal requirements for this endorsement shall be the same as those provided in S.B.R. 91-1-30(b). (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; amended Jan. 5, 1996.)

91-1-36. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked Jan. 5, 1996.)

91-1-44. Distributive education instructors. (a) Each applicant for this endorsement shall:

- (1) hold a valid certificate issued by the state board;
- (2) have a major in business, including competency, as demonstrated through an approved examination, or credit hours, in the following subject areas;

- (A) marketing;
- (B) accounting;
- (C) small business management or applied retailing; and

(D) visual merchandising;

(3) have credit in professional vocational education courses, including:

- (A) principles and philosophy of vocational education;
- (B) methods of individual training or job analysis;
- (C) organization and administration of vocational education;

(D) coordination techniques, which shall not be required of instructors of related subjects; and

(E) methods and materials in vocational education; and

(4) have two years or 4,000 hours of approved work experience in the distributive field. The instructor of related subjects may satisfy the experience requirements with one year or 2,000 hours of approved experience.

(b) The renewal requirements for the three-year and five-year vocational business occupation endorsements shall be the same as those provided in S.B.R. 91-1-30(b), and amendments thereto. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective Jan. 8, 1982; amended June 1, 1988; amended Jan. 5, 1996.)

91-1-45. Office education instructors. (a) Each applicant for this endorsement shall:

- (1) hold a valid certificate issued by the state board;
- (2) have a major in business, including competency as demonstrated through an approved examination, or credit hours, in the subject areas of accounting and office machines;

(3) have credit in professional vocational education courses, including:

- (A) principles and philosophy of vocational education;
- (B) methods of individual training or job analysis;
- (C) organization and administration of vocational education;

(D) coordination techniques which shall not be required for instructors of related subjects; and

(E) methods in teaching business subjects, or methods and materials in vocational education; and

(4) have two years or 4,000 hours of approved work experience in the office field. The instructor of related subjects may satisfy the experience requirement with one year or 2,000 hours of approved experience.

(b) The renewal requirements for the three-year and five-year vocational business occupation endorsements shall be the same as those provided in S.B.R. 91-1-30(b). (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; amended Jan. 5, 1996.)

91-1-46. Data processing instructors. (a) Each applicant for this endorsement shall:

- (1) hold a valid certificate issued by the state board;
- (2) have credit in general data processing and current program languages;

(3) have credit in professional vocational education courses, including:

- (A) principles and philosophy of vocational education;
- (B) job analysis; and

(C) for coordinators of cooperative programs, organization and administration of vocational education, and coordination techniques; and

(4) have two years or 4,000 hours of approved data processing experience or show competency through an approved examination.

(b) The renewal requirements for the three-year and five-year vocational business occupation endorsements shall be the same as those provided in S.B.R. 91-1-30(b). (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; amended Jan. 5, 1996.)

91-1-48. Specialized occupational vocational home economics. (a) A one-year endorsement in a specialized occupational program shall be issued to those applicants who:

- (1) have a baccalaureate degree in home economics;
- (2) have credit in each area identified in S.B.R. 91-1-105, except this requirement shall not apply to postsecondary instructors;

(3) have 24 semester hours in the area of concentration; and

(4) have 900 clock hours of work experience directly related to the instructional field, or 300 clock hours if supervised for college credit.

(b) The specialized vocational home economics endorsement may be renewed twice as a one-year endorsement upon meeting the following requirements:

- (1) accredited experience;
- (2) participation in the annual joint vocational education conference or approved equivalent; and
- (3) credit from the following areas:

- (A) job analysis;
- (B) principles and philosophy of vocational education;
- (C) home economics occupations;
- (D) methods of teaching vocational home economics or vocational education methods; and
- (E) coordination techniques.

(c) The one-year specialized vocational home economics endorsement may be renewed for three years upon completion of:

- (1) accredited experience;
- (2) credit listed in paragraph (b)(3) of this regulation;
- (3) participation each year in the joint vocational education conference; and
- (4) participation in one approved professional conference in the instructor's area of concentration.

(d) The three-year specialized vocational home economics endorsement may be renewed as a five-year endorsement upon completion of:

- (1) accredited experience;
- (2) participation each year in a joint vocational education conference or an approved equivalent; and
- (3) participation every three years in one approved professional conference in the instructor's area of concentration.

(e) Subsequent five-year specialized vocational home economics endorsements shall require:

- (1) accredited experience;
- (2) eight additional semester hours of credit;
- (3) participation each year in the joint vocational education conference or an approved equivalent; and
- (4) participation every three years in one approved professional conference in the instructor's area of concentration.

(f) Provisional one-year vocational home economics endorsement.

(1) A one-year endorsement may be issued to a person employed in an approved vocational home economics program who shows:

- (A) skill in a specialty area of home economics; and
- (B) extensive work experience directly related to the instructional area.

(2) The renewal requirements for the provisional one-year vocational home economics endorsement shall be the same as those provided in S.B.R. 91-1-48(b) or (c). (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; amended Jan. 5, 1996.)

91-1-103. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked Jan. 5, 1996.)

91-1-113b. Biology. (a) Each applicant for a biology endorsement at the secondary level shall have successfully completed a state-approved program in biology, shall have met the general requirements in S.B.R. 91-1-112c, and shall be recommended by a teacher education institution.

(b) A state-approved program shall consist of a course of study requiring each student to demonstrate knowledge of:

(1) the fundamentals of biology, including botany, zoology, bacteriology or microbiology, anatomy, and physiology;

(2) laboratory techniques concerned with the study of systematics, development, evolution, genetics, behavior, homeostatic mechanisms and all the life processes in animals, plants, and microbes;

(3) the fundamentals of ecology;

(4) the proper conduct and direction of meaningful field trips and investigations concerned with obtaining information on ecological populations, ecosystems, energy flow, nutrient cycles and the sociobiological aspects of ecology;

(5) chemistry, mathematics, and physical science or physics, including:

(A) knowledge of the laboratory techniques equivalent to general college chemistry;

(B) subject-matter knowledge equivalent to general college physical science or college physics; and

(C) a working knowledge of mathematics equivalent to college algebra;

(6) a variety of methods and modalities for teaching human sexuality, including information about sexually transmitted diseases, especially acquired immune deficiency syndrome (AIDS); and

(7) the rights and responsibilities of the individual as they relate to family systems and parenthood. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective June 1, 1993; amended April 25, 1994; amended Jan. 5, 1996.)

91-1-114a. Chemistry. (a) Each applicant for a chemistry endorsement at the secondary level shall have successfully completed a state-approved program in chemistry, shall have met the general requirements in S.B.R. 91-1-112c, and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to acquire:

(1) knowledge and understanding of the fundamental concepts of general chemistry and a command of the laboratory techniques found in general college chemistry;

(2) knowledge and understanding of organic chemistry and a command of laboratory techniques found in organic chemistry;

(3) knowledge and understanding of analytical chemistry and a command of quantitative laboratory techniques found in analytical chemistry;

(4) knowledge and understanding of the concepts and laboratory techniques found in general college biology;

(5) knowledge and understanding of the concepts and laboratory techniques found in general college physics; and

(6) knowledge of and proficiency in pre-calculus mathematics, including advanced algebra and trigonometry. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1985; amended Jan. 5, 1996.)

91-1-115a. Earth and space science. (a) Each applicant for an earth and space science endorsement at the secondary level shall have successfully completed a state-

(continued)

approved program in earth and space science, shall have met the general requirements in S.B.R. 91-1-112c, and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to acquire:

(1) knowledge and understanding of the fundamental concepts and laboratory techniques of physics, biology, chemistry, geology, astronomy, meteorology, and oceanography;

(2) proficiency in mathematics, including advanced algebra, trigonometry, matrices and determinants, exponential and logarithmic functions, and probability; and

(3) the ability to integrate environmental concepts into earth and space science curricula. The course of study shall allow students to acquire the ability to:

(A) describe the relationships among the lithosphere, atmosphere, and hydrosphere, and human environment as they apply to the interdisciplinary study of the earth and space sciences; and

(B) demonstrate the application of analytical methods of multidisciplinary approaches to studying and solving problems encountered by societies living in a world with such environmental constraints as finite natural resources, population increases, and diminishing energy reserves;

(4) knowledge of field geology and an ability to use the basic techniques of field geology. This knowledge and ability shall be acquired through field experiences; and

(5) knowledge of concepts and laboratory techniques beyond the introductory level in at least one area of earth and space science. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1985; amended Jan. 5, 1996.)

91-1-117a. Physical science. Each applicant for a physical science endorsement at the secondary level shall have met the general requirements in S.B.R. 91-1-112c, shall be recommended by a teacher education institution, and shall have met the requirements in two of the following regulations:

(a) S.B.R. 91-1-114a—Chemistry;

(b) S.B.R. 91-1-115a—Earth and Space Science; or

(c) S.B.R. 91-1-118a—Physics. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1985; amended Jan. 5, 1996.)

91-1-118a. Physics. (a) Each applicant for a physics endorsement at the secondary level of instruction shall have successfully completed a state-approved program in physics, shall have met the general requirements in S.B.R. 91-1-112c, and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to acquire:

(1) knowledge and understanding of the fundamental concepts of general physics and a command of laboratory techniques found in general physics;

(2) knowledge of the concepts of physics beyond the general physics level and laboratory techniques found in physics beyond the general physics level;

(3) knowledge of the concepts of general biology and laboratory techniques found in general biology;

(4) knowledge of the fundamental concepts of general chemistry and command of laboratory techniques found in general chemistry; and

(5) knowledge and proficiency in basic calculus. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1985; amended Jan. 5, 1996.)

91-1-123. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) Jan. 8, 1982; (permanent) May 1, 1982; revoked Jan. 5, 1996.)

91-1-127a. Supervisor. (a) Each applicant for a supervisor endorsement at the elementary, middle or secondary level shall:

(1) have successfully completed a graduate degree in the field or area of supervisory responsibility;

(2) have successfully completed a state-approved supervisor program;

(3) have two years of accredited experience in the field or area of supervisory responsibility; and

(4) be recommended by a teacher-education institution.

(b) Approved programs shall require students to complete a course of study allowing students to:

(1) demonstrate knowledge of developments in the areas of supervisory practice, staff development and student testing by:

(A) demonstrating knowledge of the various evaluative, supervisory, and staff development procedures; and

(B) demonstrating knowledge of student testing and educational accountability systems;

(2) demonstrate knowledge of principles, practices and evaluation strategies associated with curriculum development by:

(A) demonstrating knowledge of the philosophical, social, political and intellectual conditions that shape school programs; and

(B) demonstrating ability to cooperatively plan with teachers, administrators and others regarding the staffing, implementation, and evaluation requirements of a specific curricular or instructional strategy;

(3) demonstrate knowledge of behavioral and management science theory and its application to supervisory practice in schools by:

(A) demonstrating a basic knowledge of the school as a social system with elements that influence pupil learning and teacher effectiveness; and

(B) demonstrating a knowledge of motivational research and its implications and the ability to initiate specific teacher and classroom improvement strategies; and

(4) demonstrate skill in applying knowledge of supervisory practice through participation in a directed field experience. The students shall be able to assume and perform directed supervisory responsibility for some aspect of the instructional or curricular program through a work experience in a school or school system. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984; amended Jan. 5, 1996.)

91-1-128a. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984; amended July 1, 1989; revoked Jan. 5, 1996.)

91-1-145. Evaluating credits from international institutions. (a) To receive a valid teaching certificate for the state of Kansas, each person who has graduated from an accredited institution outside of the United States of America shall meet the following requirements.

(1) The person shall contact a credentials evaluator for complete evaluation of academic credentials. Official copies of secondary education transcripts, certificates, and diplomas shall be provided. Material which is not written in English shall be translated into English by a translator, and the translator shall verify the accuracy of the translation. A list of credentials evaluators shall be maintained by the Kansas state department of education.

(2) The person shall obtain a teacher education institution recommendation. The institution shall be accredited by the state board or a state-authorized agency of the state in which the institution is located, if the state has officially adopted standards for accrediting teacher education institutions. The definition of teacher education institution cited in S.B.R. 91-1-26(s)(1) and (2) shall not apply to the recommendation process described in this regulation.

(3) The person shall provide evidence of the recent credit or recent, accredited experience specified in S.B.R. 91-1-27(c).

(4) The person shall complete the Kansas application for certification. The application shall be accompanied by official documentation including official transcripts, certificates, and diplomas. The application also shall be accompanied by the certification fee established by the state board.

(5) If the person's primary language is not English, the person shall submit verification of proficiency in spoken and written English. To verify English language proficiency, the person shall obtain a passing score on an English language proficiency examination designated by the Kansas state department of education.

(b) Each applicant shall:

(1) possess the equivalent of a four-year baccalaureate degree at an institution of higher education in the United States of America; and

(2) have a minimum cumulative grade point average of 2.5 on a 4-point grade scale, or its equivalent.

(c) If the applicant does not meet all of the above requirements, the applicant shall be given information regarding accredited teacher education programs at Kansas institutions of higher education. In addition, any applicant who does not meet all of the above requirements shall be notified of the appeal process prescribed in S.B.R. 91-1-27g. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 14, 1986; amended Jan. 5, 1996.)

91-1-146d. Renewal of certification based upon inservice education. (a) Any applicant who holds or has held a Kansas certificate and who is employed by an education agency having a state-approved inservice education plan on file with the Kansas state department of education may prepare an individual development plan. This individual development plan shall:

(1) include sequential instructional experiences designed to improve performance in an area of certification

or include courses in a planned program leading to a new endorsement;

(2) reflect the job-related needs of the individual;

(3) correlate with the needs and goals of the education agency;

(4) result from cooperative planning with a designated supervisor;

(5) be signed by the employee;

(6) be signed by the supervisor, if the supervisor and the employee are in agreement;

(7) be reviewed and approved by the council, based upon guidelines adopted by and available from the state board; and

(8) be reviewed and approved by the governing body of the education agency.

(b) Area professional development centers providing inservice education for certification renewal shall provide the inservice education through a local school district, an accredited non-public school, an institution of postsecondary education or another education agency which has a state-approved inservice education plan.

(c) Renewal of certification based upon inservice education shall meet the following requirements.

(1) Each individual whose highest degree is a baccalaureate degree shall have experiences worth at least 160 inservice education points during a five-year period, half of which shall be college or university credit.

(2) Each individual having a master's degree or other advanced degree shall have experiences worth 120 inservice education points during a five-year period.

(3) Experiences worth at least 100 inservice education points during a five-year period shall be required for renewal of a substitute teaching endorsement.

(A) A substitute teacher may earn all 100 points through inservice education.

(B) A substitute teacher employed for any period of time by an education agency having a state-approved inservice education plan may participate in that district's inservice education plan.

(d) An application for renewal of a certificate based upon inservice education shall be accompanied by verification by the governing body of the education agency that the inservice credit is valid for renewal of a certificate.

(e) An applicant who is not eligible under subsection (a) of this regulation for renewal of a certificate using inservice education shall meet the provisions of S.B.R. 91-1-30(b) for the renewal of a certificate. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1985; amended May 1, 1987; amended June 1, 1988; amended Jan. 5, 1996.)

Dale M. Dennis
Interim Commissioner of Education

Doc. No. 017100

State of Kansas

Board of Emergency Medical Services

Permanent Administrative
Regulations

Article 8.—EXAMINATIONS

109-8-1. Examinations. (a) The written examinations for instructor-coordinator certification and each level of attendant certification shall be the examinations approved by the board on October 4, 1991 and the practical skills examinations shall be the examinations approved by the board on October 6, 1995. Any attendant candidate who fails the CPR, EOA, air splint or MAST sections of the practical skills examination before the effective date of this regulation shall retest those skill stations in addition to any other failed stations.

(b) The examination for instructor-coordinator endorsement for emergency medical technician-intermediate initial courses of instruction shall be the examination approved by the board on June 8, 1990.

(c) The examination for instructor-coordinator endorsement for emergency medical technician-defibrillator initial courses of instruction shall be the examination approved by the board on June 8, 1990.

(d) The examination for instructor-coordinator endorsement for mobile intensive care technician initial courses of instruction shall be the examination approved by the board on June 8, 1990.

(e) The examinations for training officer I and training officer II approval shall be the examinations approved by the board on August 6, 1993.

(f) The examination for inter-active television endorsement of instructor-coordinators and training officers shall be the examination approved by the board on August 5, 1994.

(g) The examinations described in subsections (a) through (f) may be modified by the board in order to field test proposed changes in the examinations.

(h) Each applicant for certification shall obtain a minimum score of 70% on the written examination and shall demonstrate competency in activities authorized by statute, as evaluated by the administrator or the administrator's designee using criteria approved by the board.

(i) All written examinations and each section of the practical examinations may be taken a maximum of three times during the period of eligibility specified in K.S.A. 65-6129 and K.S.A. 65-6129b. (Authorized by and implementing K.S.A. 65-6110, 65-6129 and 65-6129b; effective, T-109-1-19-89, Jan. 19, 1989; effective July 17, 1989; amended Aug. 27, 1990; amended Feb. 3, 1992; amended Dec. 19, 1994; amended Jan. 5, 1996.)

Bob McDaniel
Administrator

Doc. No. 017101

State of Kansas

State Corporation Commission

Notice of Motor Carrier Hearings

Applications set for hearing are to be heard at 9:30 a.m. January 9 before the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka.

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (913) 271-3196 or 271-3146. Anyone needing special accommodations should give notice to the commission 10 days prior to the scheduled hearing date.

Your attention is invited to Kansas Administrative Regulation 82-1-228, "Rules of Practice and Procedure Before the Commission."

Applications set for January 9, 1996

Application for Extension of Certificate of
Convenience and Necessity:

James Burr, dba) Docket No. 175,675 M
Burr's Service Co.)
2001 W. 7th)
Liberal, KS 67905-1506) MC ID No. 140107

Applicant's Attorney: William Barker, 3401 Harrison,
Topeka, KS 66611

*General commodities (except hazardous materials and
household goods),*

Between all points and places in the state of Kansas.

Application for Abandonment of Certificate of
Convenience and Necessity:

Warren Carnahan) Docket No. 137,960 M
19215 Military Trail)
Wamego, KS 66547-9559) MC ID No. 116507

Applicant's Attorney: None

Application for Abandonment of Certificate of
Convenience and Necessity:

Green's Way Work Shuttle,) Docket No. 127,857 M
Inc.)
7314 S.W. 215th)
Douglass, KS 67039-8402) MC ID No. 104108

Applicant's Attorney: None

Application for Certificate of Convenience
and Necessity:

Habiger Bros., Inc.) Docket No. 193,634 M
422 Massachusetts Ave.)
Kinsley, KS 67547) MC ID No. 152650

Applicant's Attorney: William Barker, 3401 Harrison,
Topeka, KS 66611

*General commodities (except hazardous materials and
household goods),*

Between all points and places in the state of Kansas.

Application for Extension of Certificate of Convenience and Necessity:

Terry R. Knight and) Docket No. 192,020 M
Jeffery W. Knight, dba)
Knight Trucking)
2424 Fauna Road N.W.)
Lebo, KS 66856) MC ID No. 151631

Applicant's Attorney: None

General commodities (except household goods and hazardous materials),

Between all points and places in the state of Kansas.

Application for Abandonment of Certificate of Convenience and Necessity:

Longford Mill Products, Inc.) Docket No. 133,736 M
2420 7th St.)
Clay Center, KS 67432) MC ID No. 102 759

Applicant's Attorney: None

Application for Certificate of Convenience and Necessity:

John L McDonald, dba) Docket No. 193,633 M
John McDonald Trucking)
2120 Volunteer Road)
Miltonvale, KS 67466) MC ID No. 152649

Applicant's Attorney: None

General commodities (except household goods and hazardous materials).

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Mark T. Parr) Docket No. 193,587 M
6770 E. TV Road)
Garden City, KS 67846) MC ID No. 152695

Applicant's Attorney: None

General commodities (except household goods and hazardous materials),

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

Leland Schaffer, dba) Docket No. 193,632 M
Schaffer Trucking)
Route 1, Box 40)
Hanston, KS 67849) MC ID No. 152648

Applicant's Attorney: William Barker, 3401 Harrison, Topeka, KS 66611

General commodities (except hazardous materials and household goods),

Between all points and places in the state of Kansas.

Application for Extension of Certificate of Convenience and Necessity:

Rodney J. Steckel, dba) Docket No. 189,717 M
Rod Steckel)
Route, Box 289)
Russell, KS 67665) MC ID No. 150231

Applicant's Attorney: None

General commodities (except hazardous materials and household goods),

Between all points and places in the state of Kansas.

Application for Abandonment of Certificate of Convenience and Necessity:

Sterling Drilling Company) Docket No. 147,920 M
6th and Cleveland)
Sterling, KS 67579) MC ID No. 12310

Applicant's Attorney: None

Don Carlile
Administrator
Transportation Division

Doc. No. 017115

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. This cumulative index supplements the index found in the 1995 Supplement to the *Kansas Administrative Regulations*.

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1-5-30	Amended	V. 14, p. 1450
1-6-1	Amended	V. 14, p. 1451
1-6-2	Amended	V. 14, p. 1451

1-6-3	Amended	V. 14, p. 1451
1-6-4	Revoked	V. 14, p. 1452
1-6-5	Revoked	V. 14, p. 1452
1-6-6	Revoked	V. 14, p. 1452
1-6-7	Amended	V. 14, p. 1452
1-6-8	Amended	V. 14, p. 1452
1-6-9	through	
1-6-20	Revoked	V. 14, p. 1452
1-6-21	Amended	V. 14, p. 1452
1-6-22	Amended	V. 14, p. 1452
1-6-22a	Amended	V. 14, p. 1453
1-6-23	Amended	V. 14, p. 1453
1-6-24	Amended	V. 14, p. 1453
1-6-25	Amended	V. 14, p. 1453
1-6-26	Revoked	V. 14, p. 1453
1-6-27	through	
1-6-33	Amended	V. 14, p. 1454-1456
1-7-3	Amended	V. 14, p. 1457
1-7-4	Amended	V. 14, p. 1457
1-7-5	Revoked	V. 14, p. 1458
1-7-6	Amended	V. 14, p. 1458
1-7-10	Amended	V. 14, p. 1458
1-7-11	Amended	V. 14, p. 1458
1-7-12	Amended	V. 14, p. 1459
1-7-13	Revoked	V. 14, p. 1459
1-8-6	Amended	V. 14, p. 1459
1-9-1	through	
1-9-6	Amended	V. 14, p. 1460-1463
1-9-7a	Amended	V. 14, p. 1464
1-9-7b	Amended	V. 14, p. 1464
1-9-7c	Amended	V. 14, p. 1465
1-9-8	Amended	V. 14, p. 1465
1-9-12	Amended	V. 14, p. 1465
1-9-13	Amended	V. 14, p. 1466
1-9-15	Amended	V. 14, p. 1466
1-9-18	Amended	V. 14, p. 1466
1-9-22	Amended	V. 14, p. 1466
1-9-23	Amended	V. 14, p. 1467
1-9-25	New	V. 14, p. 173, 484
1-9-26	New	V. 14, p. 175, 487
1-10-8	Amended	V. 14, p. 1468
1-10-9	Amended	V. 14, p. 1469
1-13-1a	Amended	V. 14, p. 1469
1-14-7	Amended	V. 14, p. 1469
1-14-8	Amended	V. 14, p. 1470
1-14-10	Amended	V. 14, p. 1471
1-16-18	Amended	V. 14, p. 1376
1-18-1a	Amended	V. 14, p. 971, 1018
1-21-1	Amended	V. 14, p. 1472
1-21-2	Amended	V. 14, p. 1472
1-21-4	Amended	V. 14, p. 1472
1-24-1	Amended	V. 14, p. 1472

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-19-4	Amended	V. 14, p. 1154
7-36-1	through	
7-36-6	Amended	V. 14, p. 982, 1102

AGENCY 10: KANSAS BUREAU OF INVESTIGATION

Reg. No.	Action	Register
10-21-1	through	
10-21-6	New	V. 14, p. 1630, 1631

AGENCY 11: STATE CONSERVATION COMMISSION

Reg. No.	Action	Register
11-8-1	through	
11-8-8	New	V. 14, p. 629, 630

AGENCY 25: STATE GRAIN INSPECTION DEPARTMENT

Reg. No.	Action	Register
25-4-1	Amended	V. 14, p. 676, 720

AGENCY 26: DEPARTMENT ON AGING

Reg. No.	Action	Register
26-8-1	Amended	V. 14, p. 990
26-8-4	Amended	V. 14, p. 991

26-8-8	Amended	V. 14, p. 991
26-9-1	New	V. 14, p. 884, 970

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-16-56a	Amended	V. 14, p. 1658
28-16-56b	Amended	V. 14, p. 1658
28-19-7	Amended	V. 14, p. 1580
28-19-511	Amended	V. 14, p. 1589
28-19-512	Amended	V. 14, p. 1591
28-19-518	Amended	V. 14, p. 1594
28-29-84	Amended	V. 14, p. 992
28-29-85	Amended	V. 14, p. 992
28-29-98	Amended	V. 14, p. 91
28-34-62a	Amended	V. 14, p. 1659

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-4-34	Amended	V. 14, p. 826
30-4-63	Amended	V. 14, p. 826
30-4-63w	Amended	V. 14, p. 827
30-4-64	Amended	V. 14, p. 828
30-4-64w	Amended	V. 14, p. 829
30-4-65w	New	V. 14, p. 830
30-4-101	Amended	V. 14, p. 1327
30-4-120	Amended	V. 14, p. 831
30-4-120w	Amended	V. 14, p. 832
30-4-140w	Amended	V. 14, p. 833
30-5-58	Amended	V. 14, p. 914
30-5-59	Amended	V. 14, p. 168
30-5-71	Amended	V. 14, p. 988, 1017
30-5-80	Amended	V. 14, p. 1660
30-5-81u	Amended	V. 14, p. 1661
30-5-82	Amended	V. 14, p. 1661
30-5-86	Amended	V. 14, p. 1662
30-5-94	Amended	V. 14, p. 1662
30-5-95	Amended	V. 14, p. 1663
30-5-106	Amended	V. 14, p. 169
30-5-107	Amended	V. 14, p. 169
30-5-110	Amended	V. 14, p. 1663
30-5-116	Amended	V. 14, p. 920
30-5-153	New	V. 14, p. 1663
30-5-153a	New	V. 14, p. 1663
30-5-174	New	V. 14, p. 920
30-6-103	Amended	V. 14, p. 1663
30-6-103w	Amended	V. 14, p. 1664
30-6-106	Amended	V. 14, p. 1665
30-6-106w	Amended	V. 14, p. 1666
30-6-111	Amended	V. 14, p. 833
30-6-111w	Amended	V. 14, p. 834
30-10-1a	Amended	V. 14, p. 1668
30-10-1b	Amended	V. 14, p. 1671
30-10-2	Amended	V. 14, p. 1671
30-10-15a	Amended	V. 14, p. 1672
30-10-17	Amended	V. 14, p. 1673
30-10-18	Amended	V. 14, p. 1675
30-10-19	Amended	V. 14, p. 1677
30-10-20	Amended	V. 14, p. 169
30-10-23a	Amended	V. 14, p. 1677
30-10-23b	Amended	V. 14, p. 1678
30-10-24	Amended	V. 14, p. 1678
30-10-25	Amended	V. 14, p. 1680
30-10-27	Amended	V. 14, p. 1680
30-10-29	Amended	V. 14, p. 1681
30-23-1	Revoked	V. 14, p. 1682
30-23-3	Revoked	V. 14, p. 1682
30-23-6	through	
30-23-15	Revoked	V. 14, p. 1682
30-23-17	Revoked	V. 14, p. 1682
30-26-5	Revoked	V. 14, p. 1682
30-26-6	Revoked	V. 14, p. 1682
30-44-4	New	V. 14, p. 921

AGENCY 37: KANSAS HIGHWAY PATROL

Reg. No.	Action	Register
37-1-1	through	
37-1-5	Revoked	V. 14, p. 1633
37-1-5a	Revoked	V. 14, p. 1633
37-1-6	through	
37-1-12	Revoked	V. 14, p. 1633

AGENCY 40: KANSAS INSURANCE
DEPARTMENT

Reg. No.	Action	Register
40-4-41	New	V. 14, p. 583, 624
40-4-41a through 40-4-41g	New	V. 14, p. 584-587 625-628

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-2	Revoked	V. 14, p. 1439
63-1-3	Amended	V. 14, p. 202
63-2-2	Revoked	V. 14, p. 1439
63-2-3	Amended	V. 14, p. 202
63-2-10	Amended	V. 14, p. 1439
63-2-12	Amended	V. 14, p. 203
63-2-13	Amended	V. 14, p. 1439
63-3-9	Amended	V. 14, p. 1439
63-3-12	Amended	V. 14, p. 1439
63-3-13	Amended	V. 14, p. 1439
63-3-14	Revoked	V. 14, p. 1439
63-3-15	Amended	V. 14, p. 1439
63-3-16	Amended	V. 14, p. 1439
63-3-19	Amended	V. 14, p. 1439
63-4-1	Amended	V. 14, p. 1440
63-5-1	Amended	V. 14, p. 1440
63-5-2	Revoked	V. 14, p. 1440
63-6-1	Amended	V. 14, p. 203
63-6-2	Amended	V. 14, p. 203
63-6-3	Amended	V. 14, p. 204
63-6-4	Revoked	V. 14, p. 1440
63-6-5	Amended	V. 14, p. 1440

AGENCY 67: BOARD OF HEARING
AID EXAMINERS

Reg. No.	Action	Register
67-2-4	Amended	V. 14, p. 66

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-1a	Amended	V. 14, p. 124
68-1-1f	Amended	V. 14, p. 125
68-2-12a	Amended	V. 14, p. 125
68-2-20	Amended	V. 14, p. 125
68-7-12a	Amended	V. 14, p. 125
68-7-14	Amended	V. 14, p. 126
68-14-1	Amended	V. 14, p. 126
68-20-15a	Amended	V. 14, p. 126
68-20-18	Amended	V. 14, p. 127
68-20-19	Amended	V. 14, p. 128

AGENCY 70: BOARD OF
VETERINARY MEDICAL EXAMINERS

Reg. No.	Action	Register
70-3-1	Amended	V. 14, p. 90
70-3-2	Amended	V. 14, p. 90
70-3-4	Revoked	V. 14, p. 90

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-1-13	Revoked	V. 14, p. 68
71-5-1 through 71-5-6	New	V. 14, p. 1533, 1534

AGENCY 81: OFFICE OF THE
SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-2-1	Amended	V. 14, p. 287
81-5-12	New	V. 14, p. 287

AGENCY 82: STATE CORPORATION
COMMISSION

Reg. No.	Action	Register
82-3-101	Amended	V. 14, p. 129
82-3-103	Amended	V. 14, p. 132
82-3-106	Amended	V. 14, p. 133
82-3-115	Amended	V. 14, p. 134
82-3-115a	New	V. 14, p. 135
82-3-115b	New	V. 14, p. 135
82-3-116	Amended	V. 14, p. 136
82-3-120	Amended	V. 14, p. 136
82-3-300	Amended	V. 14, p. 137
82-5-13	Amended	V. 14, p. 1047

82-8-100 through 82-8-108	Revoked	V. 14, p. 1047
82-12-1 through 82-12-9	New	V. 14, p. 1048, 1049

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-10	Amended	V. 14, p. 1495
86-1-11	Amended	V. 14, p. 1660
86-1-12	Amended	V. 14, p. 1496
86-1-13	Amended	V. 14, p. 1497
86-1-15	Amended	V. 14, p. 1497
86-1-17	New	V. 14, p. 1497
86-1-18	New	V. 14, p. 1498
86-2-4	Revoked	V. 14, p. 1660
86-2-6	Revoked	V. 14, p. 1660
86-3-25	New	V. 14, p. 1498

AGENCY 91: DEPARTMENT OF
EDUCATION

Reg. No.	Action	Register
91-1-68a through 91-1-68d	Amended	V. 14, p. 677-680
91-1-68e	New	V. 14, p. 681
91-1-70a	New	V. 14, p. 682
91-1-70b	New	V. 14, p. 682
91-12-23	Amended	V. 14, p. 91
91-12-25	Amended	V. 14, p. 91
91-12-29	Revoked	V. 14, p. 92
91-12-34	Revoked	V. 14, p. 92
91-12-35	Amended	V. 14, p. 92
91-12-41	Amended	V. 14, p. 92
91-12-42	Amended	V. 14, p. 93
91-12-51	Amended	V. 14, p. 94
91-12-54	Amended	V. 14, p. 94
91-12-56	Amended	V. 14, p. 94
91-12-60	Amended	V. 14, p. 95
91-12-74	New	V. 14, p. 95

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-38-1	Amended	V. 14, p. 676

AGENCY 102: BEHAVIORAL SCIENCES
REGULATORY BOARD

Reg. No.	Action	Register
102-1-1	Amended	V. 14, p. 1014
102-1-4	Amended	V. 14, p. 488
102-1-5	Amended	V. 14, p. 488
102-1-10	Amended	V. 14, p. 1015
102-1-13	Amended	V. 14, p. 1016
102-2-3	Amended	V. 14, p. 1016
102-3-2	Amended	V. 14, p. 1016
102-4-1	Amended	V. 14, p. 489
102-4-2	Amended	V. 14, p. 1016
102-4-4	Amended	V. 14, p. 490
102-4-5	Amended	V. 14, p. 490
102-4-6	Amended	V. 14, p. 491
102-4-7	Revoked	V. 14, p. 492
102-4-10	Amended	V. 14, p. 492
102-5-2	Amended	V. 14, p. 1016
102-6-1	New	V. 14, p. 796
102-6-2	New	V. 14, p. 797
102-6-4	New	V. 14, p. 797
102-6-5	New	V. 14, p. 797
102-6-8	New	V. 14, p. 798
102-6-9	New	V. 14, p. 798
102-6-10	New	V. 14, p. 798
102-6-11	New	V. 14, p. 799
102-6-12	New	V. 14, p. 799

AGENCY 109: BOARD OF EMERGENCY
MEDICAL SERVICES

Reg. No.	Action	Register
109-10-1	Amended	V. 14, p. 1242

AGENCY 111: KANSAS LOTTERY

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-5	Amended	V. 13, p. 1045
111-2-1	Amended	V. 14, p. 311
111-2-2	Amended	V. 12, p. 1261

111-2-2a through 111-2-2e	New	V. 14, p. 1633, 1634
111-2-6	Revoked	V. 13, p. 149
111-2-7	Revoked	V. 10, p. 1210
111-2-13	Revoked	V. 10, p. 881
111-2-14	Amended	V. 14, p. 1634
111-2-15	Revoked	V. 10, p. 881
111-2-16	Revoked	V. 10, p. 1210
111-2-17	Revoked	V. 10, p. 1210
111-2-18	Revoked	V. 11, p. 413
111-2-19	Revoked	V. 11, p. 413
111-2-20 through 111-2-26	Revoked	V. 13, p. 1401
111-2-27	Revoked	V. 14, p. 972
111-2-28	New	V. 12, p. 1844
111-2-29	Revoked	V. 14, p. 972
111-2-30	Amended	V. 14, p. 403
111-2-31	New	V. 14, p. 170
111-2-32	New	V. 14, p. 311
111-2-33	New	V. 14, p. 312
111-2-34	Amended	V. 14, p. 722
111-2-35	New	V. 14, p. 796
111-2-36	New	V. 14, p. 908
111-2-37	New	V. 14, p. 1094
111-2-39	New	V. 14, p. 1502
111-2-40	New	V. 14, p. 1502
111-3-1	Amended	V. 14, p. 908
111-3-6	Amended	V. 12, p. 677
111-3-9	Revoked	V. 11, p. 1793
111-3-10 through 111-3-31	New	V. 7, p. 201-206
111-3-11	Amended	V. 13, p. 35
111-3-12	Amended	V. 13, p. 1826
111-3-13	Amended	V. 11, p. 1148
111-3-14	Amended	V. 13, p. 1826
111-3-16	Amended	V. 9, p. 1566
111-3-19 through 111-3-22	Amended	V. 9, p. 30
111-3-19	Revoked	V. 13, p. 1827
111-3-20	Amended	V. 11, p. 1148
111-3-21	Amended	V. 11, p. 1148
111-3-22	Amended	V. 11, p. 1148
111-3-23	Revoked	V. 10, p. 883
111-3-25	Amended	V. 13, p. 1827
111-3-26	Amended	V. 11, p. 1149
111-3-27	Amended	V. 11, p. 1149
111-3-29	Revoked	V. 11, p. 1149
111-3-31	Amended	V. 8, p. 209
111-3-32	Amended	V. 10, p. 883
111-3-33	New	V. 7, p. 1434
111-3-34	New	V. 13, p. 149
111-3-35	Amended	V. 14, p. 909
111-3-36	New	V. 13, p. 877
111-3-37	New	V. 13, p. 877
111-4-1 through 111-4-5	Revoked	V. 12, p. 113
111-4-5a	Revoked	V. 12, p. 113
111-4-6 through 111-4-15	Revoked	V. 12, p. 113
111-4-15	Revoked	V. 12, p. 113
111-4-66 through 111-4-77	New	V. 7, p. 207-209
111-4-96 through 111-4-114	New	V. 7, p. 1606-1610
111-4-100	Amended	V. 14, p. 972
111-4-101	Amended	V. 14, p. 972
111-4-102	Amended	V. 12, p. 1114
111-4-103	Amended	V. 10, p. 1211
111-4-104	Amended	V. 14, p. 972
111-4-105	Amended	V. 14, p. 972
111-4-106	Amended	V. 14, p. 973
111-4-106a	Amended	V. 14, p. 974
111-4-107	Amended	V. 11, p. 978
111-4-108	Amended	V. 14, p. 974
111-4-110	Amended	V. 11, p. 973
111-4-111	Amended	V. 9, p. 1366
111-4-112	Amended	V. 14, p. 974

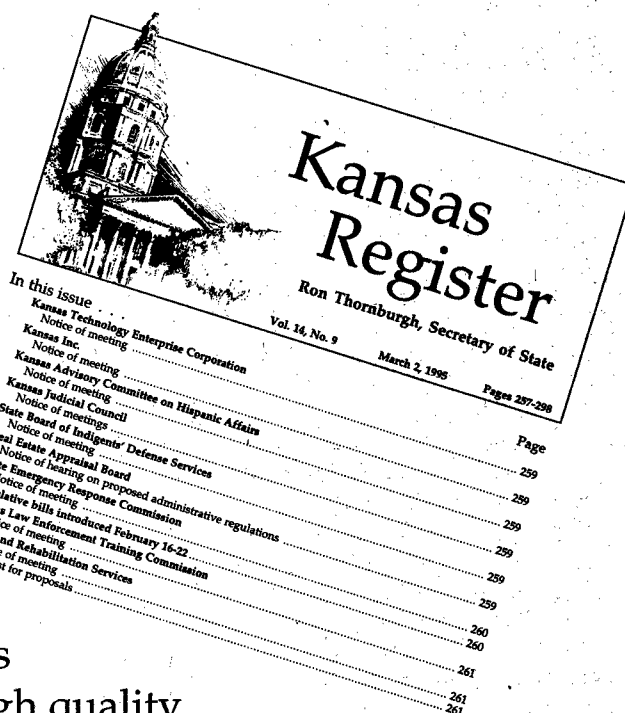
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111-4-113	Amended	V. 9, p. 1366	111-4-356			111-4-466		
111-4-114	Amended	V. 9, p. 1366	through			through		
111-4-153			111-4-361	Revoked	V. 14, p. 7	111-4-469	Revoked	V. 12, p. 1665
through			111-4-346			111-4-470	Amended	V. 12, p. 522
111-4-160	Revoked	V. 9, p. 1676, 1677	through			111-4-474		
111-4-177			111-4-349	Revoked	V. 12, p. 114	through		
through			111-4-362			111-4-488	New	V. 12, p. 522-524
111-4-212	Revoked	V. 9, p. 1677, 1678	through			111-4-478		
111-4-213			111-4-365	Revoked	V. 12, p. 114, 115	through		
through			111-4-362	Amended	V. 11, p. 13	111-4-492	Revoked	V. 14, p. 974, 975
111-4-220	Revoked	V. 10, p. 1213	111-4-366			111-4-493		
111-4-217	Amended	V. 9, p. 986	through			111-4-496	New	V. 12, p. 525
111-4-221			111-4-379	New	V. 11, p. 136-139	111-4-497		
through			111-4-366			through		
111-4-224	Revoked	V. 10, p. 1585	111-4-369	Revoked	V. 12, p. 1373	111-4-512	Revoked	V. 14, p. 973
111-4-225			111-4-370			111-4-513		
through			through			through		
111-4-228	Revoked	V. 10, p. 1585	111-4-379	Revoked	V. 14, p. 7, 8	111-4-521	New	V. 12, p. 1374, 1375
111-4-229			111-4-380			111-4-519	Amended	V. 14, p. 1095
111-4-236	Revoked	V. 10, p. 1585, 1586	through			111-4-522		
111-4-237			111-4-383	Revoked	V. 12, p. 1664	through		
through			111-4-384			111-4-571	Revoked	V. 14, p. 975-977
111-4-240	Revoked	V. 11, p. 413	through			111-4-572		
111-4-241			111-4-387	Revoked	V. 12, p. 1373	through		
through			111-4-388			111-4-585	New	V. 13, p. 878-880
111-4-244	Revoked	V. 12, p. 1371	through			111-4-572	Amended	V. 14, p. 723
111-4-245			111-4-400	New	V. 11, p. 478-481	111-4-574	Amended	V. 14, p. 724
through			111-4-388			111-4-575	Amended	V. 14, p. 724
111-4-248	Revoked	V. 12, p. 1371	through			111-4-576	Amended	V. 14, p. 724
111-4-249			111-4-391	Revoked	V. 12, p. 1373	111-4-577	Amended	V. 14, p. 724
through			111-4-392	Amended	V. 12, p. 520	111-4-579	Amended	V. 14, p. 724
111-4-256	Revoked	V. 12, p. 113, 114	111-4-394			111-4-581	Amended	V. 14, p. 725
111-4-257			through			111-4-582	Amended	V. 14, p. 725
111-4-286	Revoked	V. 11, p. 413, 414	111-4-400	Amended	V. 12, p. 521, 522	111-4-583	Amended	V. 14, p. 725
111-4-287			111-4-401			111-4-584	Amended	V. 14, p. 725
through			111-4-404	Revoked	V. 12, p. 1373	111-4-586		
111-4-300	New	V. 10, p. 883-886	111-4-405			111-4-606	Revoked	V. 14, p. 977, 978
111-4-287			through			111-4-607		
111-4-290	Revoked	V. 12, p. 1371	111-4-413	New	V. 11, p. 756, 757	through		
111-4-291			111-4-405	Amended	V. 14, p. 723	111-4-619	New	V. 13, p. 1436-1438
through			111-4-407	Amended	V. 13, p. 877	111-4-607	Amended	V. 14, p. 1407
111-4-300	Revoked	V. 12, p. 114	111-4-408	Amended	V. 14, p. 723	111-4-609	Amended	V. 14, p. 1407
111-4-301			111-4-409	Amended	V. 14, p. 723	111-4-610	Amended	V. 14, p. 1407
through			111-4-411	Amended	V. 14, p. 1094	111-4-611	Amended	V. 14, p. 1407
111-4-307	Revoked	V. 13, p. 1402	111-4-412	Amended	V. 11, p. 1475	111-4-613	Amended	V. 14, p. 1408
111-4-301	Amended	V. 12, p. 1115	111-4-413	Amended	V. 11, p. 1475	111-4-616		
111-4-303	Amended	V. 12, p. 1115	111-4-414			through		
111-4-304	Amended	V. 12, p. 1115	through			111-4-623	Revoked	V. 14, p. 978
111-4-306	Amended	V. 12, p. 1115	111-4-428	Revoked	V. 14, p. 8	111-4-624		
111-4-308			111-4-414	Amended	V. 11, p. 1150	through		
through			111-4-429			111-4-652	New	V. 13, p. 1828-1835
111-4-320	New	V. 10, p. 1214, 1215	111-4-432	Revoked	V. 12, p. 1373	111-4-640	Amended	V. 13, p. 1922
111-4-308	Amended	V. 12, p. 1261	111-4-433			111-4-652	Amended	V. 13, p. 1922
111-4-311	Amended	V. 12, p. 1262	through			111-4-653		
111-4-312	Amended	V. 12, p. 1262	111-4-436	Revoked	V. 12, p. 1374	through		
111-4-313	Amended	V. 12, p. 1262	111-4-437			111-4-664	New	V. 13, p. 1923-1925
111-4-318			through			111-4-665		
through			111-4-444	New	V. 11, p. 1475-1477	111-4-669	New	V. 14, p. 8, 9
111-4-321	Revoked	V. 12, p. 114	111-4-437			111-4-670		
111-4-322			through			111-4-673	New	V. 14, p. 170
through			111-4-440	Revoked	V. 12, p. 1374	111-4-674		
111-4-331	New	V. 10, p. 1411-1413	111-4-441			through		
111-4-322			111-4-443	Revoked	V. 14, p. 8	111-4-677	New	V. 14, p. 312, 313
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111-4-328			through			111-4-682	New	V. 14, p. 438, 439
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111-4-336			111-4-445			111-4-694	New	V. 14, p. 404-406
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